

# Request for Qualifications

All enquiries related to this Request for Qualifications, including any requests for information and clarification, are to be directed, in writing before March 1, 2024, to <a href="mailto:procurement@bc-er.ca">procurement@bc-er.ca</a>, 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 will be distributed to all Proponents at the BCER's option.

RFQ# 54524001

# **Environmental Services 2024-2027**

Closing Time: Responses must be received electronically before 2:00 PM Pacific Time on: March 8, 2024

## **Delivery of Proposals**

Proposals must be submitted electronically.

To: <u>BCER Procurement (bc-er.ca)</u> (https://procurement.bc-er.ca/)

Proposals must be submitted to the above link before the closing date.

## **Organization Overview**

The British Columbia 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.

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#### 1. Overview

#### 1. About the BCER

The British Columbia Energy Regulator (BCER) is the provincial single-window regulatory agency for regulating energy activities in British Columbia (BC). We regulate the full 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 and the environment
- supports reconciliation with Indigenous peoples and the transition to low-carbon energy
- conserves energy resources
- fosters a sound economy and social well-being

Formerly the regulatory agency regarding oil and gas and geothermal activity, as of September 1, 2023, hydrogen, ammonia, methanol and expanded powers on carbon storage reservoirs were added to the BCER's mandate.

Our offices are located throughout BC, including Fort St. John, Victoria, Fort Nelson, Dawson Creek, Kelowna, Prince George, and Terrace.

## 2. Description

The BCER is looking to qualify firms to perform a range of environmental services and provide general environmental support on topics related to incident response, waste management and general support to supplement in-house expertise where required due to mandate expansion, major project development and the need for specialized expertise in select areas.

Based on the review of RFQ Responses, the BCER intends to establish a List of Qualified Suppliers who may be directly awarded, or asked to compete for, contracts for provision of the services described in section 4.

The List of Qualified Suppliers will be in place for three years.

#### 2. Request for Qualifications Definitions

Throughout this Request for Qualifications, the following definitions will be used:

- a) "BC Bid" means the electronic tendering service maintained by the Province;
- b) "Contract" means a written contract executed by the BCER and the Contractor;
- c) "Contractor" means a Qualified Supplier who enters into a Contract with the BCER;
- d) "List of Qualified Suppliers" means a list of names of Respondents possessing the qualifications described in this RFQ that have satisfied any conditions set by the Province for being added to and staying on that list;
- e) "must", or "mandatory" means a requirement that must be met in order for a Response to receive consideration;
- f) "BCER" means the British Columbia Energy Regulator;
- g) "Qualified Environmental Professional" means an applied scientist or technologist registered with a professional organization enabled under an Act, who must follow a code of ethics issued by the professional organization and can be subject to disciplinary action by the organization.
- "Qualified Supplier" means a Respondent possessing the qualifications described in this RFQ that has satisfied any conditions set by the BCER for being added to, and staying on, the List of Qualified Suppliers;
- "Respondent" means an individual or a company that submits, or intends to submit, their qualifications in response to this "Request for Qualifications";
- j) "Response" means a statement of qualifications submitted in reply to this Request for Qualifications; and
- k) "should" or "desirable" means a requirement having a significant degree of importance to the objectives of the Request for Qualifications.

## 3. Request for Qualifications

## 1. List of Qualified Suppliers

The services will be provided on an "as, if, and when requested" basis. It is the intention of the BCER to choose Consultants from the List of Qualified Suppliers to perform services. The method of selecting the appropriate Contractor will be based on the skill set and experience of a particular Qualified Supplier. Alternatively, the BCER may issue an invitation to several Qualified Suppliers, to obtain pricing information and additional information about a potential project and then evaluate the Qualified Suppliers on a competitive basis.

#### 2. Form of Contract

Any Contract with a Qualified Supplier will be substantially similar to the terms and conditions of the BCER's General Service Agreement.

#### 3. Enquiries

All enquiries related to this Request for Qualifications are to be directed, via email, to <a href="mailto:procurement@bc-er.ca">procurement@bc-er.ca</a>. Information obtained from any other source is not official and should not be relied upon. Enquiries and answers will be recorded and will be distributed to all Respondents at the BCER's option.

## 4. Closing Date

A complete copy must be submitted electronically and must be received by 2:00 PM, Pacific Time, on **March 8, 2024** to <a href="https://procurement.bc-er.ca/">https://procurement.bc-er.ca/</a>. Responses must not be sent by e-mail. Proponents having issues with submitting a response must contact <a href="mailto:procurement@bc-er.ca">procurement@bc-er.ca</a> before the deadline.

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	March 1, 2024	
Request closing time	March 8, 2024 before 2:00PM PST	
Review and reference checks as required	March 11-15, 2024	
Preferred Proponent selected by	March 18, 2024	

## 5. Late Responses

Late Responses will only be accepted as outlined in section 4.7b

## 6. Qualifications Review Committee

Evaluation of Responses will be by a committee formed by the BCER and may include employees and contractors of the BCER.

#### Review and Selection

The qualifications review committee will check Responses against the mandatory criteria. Responses not meeting all mandatory criteria will be rejected without further consideration. Responses that do meet all the mandatory criteria will then be assessed and scored against the desirable criteria. Responses not meeting a minimum score in a category will not be further considered. The names of successful Respondents will be added to the BCER's List of Qualified Suppliers.

## 8. Signed Responses

The Response must be signed by a person authorized to sign on behalf of the Respondent and to bind the Respondent to statements made in response to this Request for Qualifications.

### 9. Changes to Response Wording

The Respondent will not change the wording of its Response after closing and no words or comments will be added to the Response unless requested by the BCER for purposes of clarification.

## 10. Respondents' Expenses

Respondents are solely responsible for their own expenses in preparing a Response and for subsequent negotiations with the BCER, if any. The BCER will not be liable to any Respondent for any claims, whether for costs or damages incurred by the Respondent in preparing the Response, loss of anticipated profit in connection with any final Contract, or any other matter whatsoever.

#### 11. Acceptance of Responses

This Request for Qualifications is not an agreement to purchase goods or services. The BCER is not bound to enter into a Contract with any Qualified Supplier. Responses will be assessed in light of the qualification review criteria. The BCER will be under no obligation to receive further information, whether written or oral, from any Respondent.

#### 12. Definition of Contract

Notice in writing to a Respondent that it has been identified as a Qualified Supplier will not constitute a contract. Only if a Qualified Supplier and the BCER enter into a subsequent full written Contract will a Respondent acquire any legal or equitable rights or privileges relative to the goods or services.

## 13. List of Qualified Suppliers Not Binding

A Qualified Supplier may withdraw its name from the List of Qualified Suppliers by notifying the BCER in writing. The BCER may withdraw a name of a Qualified Supplier from the List of Qualified Suppliers by notifying that Qualified Supplier in writing.

## 14. Modification of Terms

The BCER reserves the right to modify the terms of this Request for Qualifications at any time in its sole discretion. This includes the right to cancel this Request for Qualifications or the List of Qualified Suppliers at any time without entering into a Contract.

#### 15. Ownership of Responses

All documents, including Responses, 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*.

#### 16. Confidentiality of Information

Information pertaining to the BCER obtained by the Respondent as a result of participation in this project is confidential and must not be disclosed without written authorization from the BCER.

#### 4. Use of List Guidelines

The guidelines set out in this Section regarding the use of the List of Qualified Suppliers are subject to change occasionally, as the BCER may deem necessary, without notice to the Consultants or firms on the List.

#### 1. Effective Date

The List of Qualified Suppliers will be in effect until December 31, 2027.

#### 2. Contracts

Any Contracts entered into with a Qualified Supplier will be:

- a) Between the BCER and the individual Consultant where the Qualified Supplier is the individual Consultant, and
- b) Between the BCER and a company, specifying the individual Consultant(s) to be engaged, where the Qualified Supplier is a Respondent company.

#### 3. Selection Criteria

The BCER may select a Qualified Supplier from the List using one or more of the following selection methods:

- a) If the estimated Contract value is less than \$50,000 the BCER may directly invite a Qualified Supplier to provide a quotation based on Consultant availability and on specified requirements (e.g., deliverables, milestones, term etc.) of the project or assignment with the intent to enter into Contract negotiations with that Qualified Supplier;
- b) If the estimated Contract value is \$50,000 or more and less than \$100,000, the BCER may directly invite a Qualified Supplier to provide a quotation based on Consultant availability and on specified requirements (e.g., deliverables, milestones, term, etc.) of the project or assignment with the intent to enter into Contract negotiations with that Qualified Supplier if it can be verified by the BCER that only one Qualified Supplier has a Consultant that:
  - I. Is available to undertake the project or assignment; or,
  - II. Has the necessary qualifications to carry out the project or assignment based on the BCER's specific assessment of the Consultant qualifications.
- c) If the estimated Contract value is \$50,000 or more and less than \$100,000, and more than one Qualified Supplier has a Consultant available who has the necessary qualifications to carry out the project or assignment based on the BCER's specific

assessment of the Consultant qualifications, the BCER may, in its sole discretion, use a competitive or other selection process between a minimum of two (if available) such Qualified Suppliers that evaluates each Qualified Supplier's available Consultants, proposed approach, pricing, or other elements required for the project or assignment. The BCER may, at its sole discretion, consider other Qualified Suppliers' available Consultants that, in the BCER's sole opinion, meet the BCER's qualification criteria for the project or assignment (e.g., specialization, experience level, etc.).

- d) If the estimated Contract value is \$100,000 or more, and more than one Qualified Supplier has a Consultant available who has the necessary qualifications to carry out the project or assignment based on the BCER's specific assessment of the Consultant qualifications, the BCER will invite all such Qualified Suppliers to compete for the project or assignment.
- e) Notwithstanding subparagraphs a), b), c), and d), the BCER may directly negotiate a contract with a Qualified Supplier where one of the following exceptional conditions applies:
  - i. Only one available Consultant is qualified to provide the services;
  - ii. An unforeseeable emergency exists and the services could not be obtained in time by means of a competitive process;
  - iii. A competitive process would interfere with the BCER's ability to maintain security or order or to protect human, animal or plant life or health; or
  - iv. The acquisition is of a confidential or privileged nature and disclosure through an open bidding process could reasonably be expected to compromise government confidentiality, cause economic disruption or be contrary to the public interest.

## 4. Material Changes

Qualified Suppliers will immediately, during the period that the List is in effect, advise the BCER of any material changes to the information contained in their Response.

#### Qualified Suppliers

Qualified Suppliers may be contacted on an "as, if and when requested" basis and may be contacted directly or asked to compete on opportunities for the provision of services in accordance with the selection method set out in section 4.2 or as revised by the BCER and communicated to all Qualified Suppliers from time to time. If a Qualified Supplier's requested Consultant is unavailable for a contemplated project or assignment, the Qualified Supplier may propose a substitute resource to the BCER for evaluation and consideration.

The BCER has the sole discretion to remove a Qualified Supplier from the List of Qualified Suppliers for unsatisfactory performance by a Qualified Supplier in a Contract, or for failing to meet the requirements for staying on the List of Qualified Suppliers as set out in this RFQ or as may be communicated by the BCER from time to time. Reasons for removal from the List of Qualified Suppliers may include, but is not limited to:

- deemed lack the experience required to deliver on projects,
- evidence that the content of the response was inaccurate or misleading
- · contractor inability meet the requirements of the RFQ
- pattern of non-response to BCER competitions is evident.

#### 6. Obligations

The BCER has no obligation to:

- a) Inquire as to the availability of a substitute Consultant when advised by a Qualified Supplier that the Consultant named on the List is not available for a particular project;
- b) Evaluate or accept any substitute Consultant proposed by a Qualified Supplier;
- c) Enter into a Contract with any one or more Qualified Suppliers; or
- Invite any one or more Qualified Suppliers to participate in competitive processes for a Contract.

#### 7. Discretion

The BCER reserves the right, at its sole discretion, to:

- a) Use the List of Qualified Suppliers in connection with projects or assignments. The criteria for selecting Qualified Suppliers for each project or task will vary, depending upon the requirements of the applicable project or task and could involve requiring a Consultant to have a certain demonstrated experience and proficiency level in one or more Service Areas depending on the specific requirements of the project or assignment.
- b) Consider subsequent requests for inclusion on the List of Qualified Suppliers after May 1, 2024 and during the term of the List. Any such requests will be subject to those Respondents submitting their qualification information for review in the same manner as originally outlined in this RFQ. There is no assurance that the BCER will require any future additions to the List or will accept any requests for inclusion.
- Employ open competitions that include suppliers external to the List of Qualified Suppliers;
- d) Otherwise engage suppliers external to the List of Qualified Suppliers in connection with any project required by the BCER; and
- e) At any time, cancel, extend, expand or make a call to the market-place to renew the List of Qualified Suppliers.

## 8. Rates

The BCER may not necessarily select the Qualified Supplier offering the lowest rates and may review the qualifications or other criteria required for a specific project.

#### 5. Services

The BCER is interested in forming relationships with firms who share our values of respect, integrity, transparency, innovation and responsiveness.

The duration of service on any one of multiple simultaneous assignments may range from several days to several months.

This RFQ is intended for Companies that have the capacity and capability to resource the BCER's projects with either individual consultants or complete project 'teams'. Responses that indicate the ability to provide all, or a subset of, the range of services listed below are acceptable. The extent of services the respondent can provide must be made clear. Respondents should indicate their flexibility and ability to provide responsive services when required.

The List of Qualified Suppliers will include the top-ranked Respondents, based on both the respondent's capacity to provide resourcing and specific areas of expertise.

## Categories

Respondents may choose to apply for consideration for all or a selection of the following categories.

## 1. Biologist (Terrestrial)

#### Minimum Requirements

- Registered Professional Biologist (R.P.Bio) in the province of British Columbia
- Minimum of 10 years relevant experience

#### Specialist Experience:

- Identify if the respondent has specific experience with regards to
  - Impact assessments
  - Rare plants, habitat or species at risk identification
  - Invasive species management
  - Ecological restoration
  - Expertise with regards to wildlife management, migratory birds and or amphibians, etc.

## Typical Project Examples and Service Types:

- Assessments, review, reporting and general support on matters related to terrestrial biology.
- Review of environmental monitoring data, impact statements and incident reports.
- Field support services as a Qualified Environmental Professional (QEP).
- Permit applications, reporting, field oversight and close-out.
- Erosion sediment control plan development, environmental monitoring, field oversight, etc.

## 2. Biologist (Aquatic)

#### Minimum Requirements

- Registered Professional Biologist (R.P.Bio) in the province of British Columbia
- Minimum of 10 years relevant experience

#### Specialist Experience:

- Identify if the respondent has specific experience with regards to
  - Impact assessments
  - Rare plants. Habitat or species at risk identification

- Invasive species management
- Ecological restoration
- Expertise with regards to marine monitoring, marine mammals, water quality and impact assessments.

## Typical Project Examples and Service Types:

- Assessments, review, reporting and general support for infrastructure works in/about waterways subject to higher level government regulatory approvals.
- Permit applications, reporting, field oversight and close-out.
- Field support services as a Qualified Environmental Professional (QEP).
- Erosion sediment control plan development, environmental monitoring, field oversight, etc.

## 3. Civil / Environmental Engineer

#### Minimum Requirements

- Professional Engineer (P. Eng.) registered with Engineers and Geoscientists BC
- Minimum of 10 years relevant experience

#### Specialist Experience:

- Identify if the respondent has specific experience with regards
  - Water treatment plant design;
  - Sedimentation pond design;
  - Erosion and sediment control;
  - Investigation and remediation of contaminated sites;
  - Implementing water quality monitoring programs;
  - Stormwater management, hydrology, and hydrometric modelling.

## Typical Project Examples and Service Types:

- Assessments, review, reporting and general support related to the management, treatment and discharge of construction and industrial waste waters.
- Third party review of erosion sediment control plans, stormwater management plans, environmental monitoring data and incident reports.

#### 4. Geotechnical Engineer

## Minimum Requirements

- Professional Engineer registered with Engineers and Geoscientists BC
- Minimum of 10 years relevant experience

#### Specialist Experience:

 Identify if the respondent has specific experience in the assessments, review, reporting and/or ability to undertake assignments related to global stability analyses and geotechnical investigations for water storage facilities (ponds & tanks).

## Typical Project Examples and Service Types:

• Third party review and general support for freshwater and produced water storage facilities regulated by the BCER.

#### Contaminated Sites

#### Minimum Requirements

- Member in good standing to the Contaminated Sites Approved Professionals Society (CSAP).
- Minimum of 10 years relevant experience

#### Typical Project Examples and Service Types:

- Third party review and general support relating to waste discharge authorization applications, potential contaminant of concern identification and incident response.
- Investigation and remediation of contaminated sites;

## 6. Agrologist

#### Minimum Requirements

- Professional Agrologist (P. Ag.) registered with BC Institute of Agrologists
- Minimum of 10 years relevant experience

#### Specialist Experience:

- Working with the ALC-BCER Delegation Agreement and completing Schedule A and Schedule B assessments.
- Making recommendations for soil conservation and surface water management on agricultural lands and overseeing implementation of those recommendations.
- Soils sampling and analysis.
- Erosion and sediment control.
- Soils handling and surface water management, soil salvaging, stockpiling, storage, and soil replacement process during construction.
- Using scientific principles, knowledge, and expertise to:
  - protect and sustainably manage environmental resources;
  - prevent and manage invasive plants; and
  - reclaim and restore land resources.

#### Typical Project Examples and Service Types:

- Assessing reclaimed oil and gas sites to verify compliance with Schedule B assessment criteria.
- Developing soils sampling and analysis plans.

#### 7. ML/ARD Specialist

#### Minimum Requirements

- Professional Geoscientist (P.Geo.) or Professional Engineer (P. Eng.) registered and in good standing with Engineers and Geoscientists BC.
- Minimum of 10 years relevant experience in ML/ARD assessment, including geological mapping, geochemical characterization methods, data interpretation and development of ML/ARD mitigation options/concepts and designs.

#### Specialist Experience:

- The respondent must demonstrate specific experience in the development, planning and execution of ML/ARD assessment and management programs for mining and/or nonmining projects involving bedrock excavation and importation of bedrock materials.
- The respondent must demonstrate specific experience in construction monitoring and be familiar with ML/ARD construction methods.

• The respondent must demonstrate specific experience in maintaining compliance with regulatory commitments related to ML/ARD.

#### Typical Project Examples and Service Types:

The successful respondent may be requested to:

- Review ML/ARD assessment and management plans.
- Provide ML/ARD support to BCER staff during the project application stage, and on an as-needed basis during project construction and monitoring activities.
- 8. Human Health and/or Ecological Risk Assessor

#### Minimum Requirements:

- A minimum of 10 years of demonstrable professional experience conducting human health risk assessments (HHRAs) and/or ecological risk assessments (ERAs), or an equivalent combination of education, training and experience; and
- A registered professional whose profession is regulated by a regulatory body named in the Professional Governance Act in British Columbia (BC), such as the College of Applied Biology, or whose profession is regulated by a regulatory body in another province or territory, such as the Alberta Society of Professional Biologists, or the American Board of Toxicology.
- Exceptions to these requirements may be permitted wherein individuals are able to show
  that their HHRA or ERA related work has been reviewed and accepted through external
  scientific peer review and/or through a judicial (or quasi-judicial) review process (e.g.,
  qualified expert at a provincial/ federal regulatory hearing).

#### <u>Highlighted Experience:</u>

- Knowledge of the federal and provincial Environmental Assessment Process.
- Knowledge of current HHRA and ERA guidance from applicable federal, provincial and regional health authorities, including pre-established HHRA checklists.
- Critical evaluation of analytical sample data to ensure that sample sizes were sufficient to capture spatial and temporal trends, the samples included a variety of trophic levels, and that appropriate QAQC standards were met.
- Experience conducting HHRA/ERAs to ensure that the assumptions that formed the basis of the HHRA/ERA are reasonable, substantiated and scientifically defensible and that sufficient information is provided in the HHRA/ERA to reproduce the findings.
- Strong writing and communication skills, including ability to communicate health risk to the applicable regulators, stakeholders and rightsholders.

#### Typical Project Examples and Service Types:

 Assessments, reviews, reporting, and general support related to HHRA and ERA completed in BC.

#### 6. Evaluation

A team consisting of BCER staff will conduct the evaluation of responses. All members of the team will be bound by the same standards of confidentiality.

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

The BCER reserves the right to refuse any proposal based on quality, service, rate, reputation, experience and other criteria.

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

- Stage One Mandatory Criteria
- Stage Two Desirable Criteria

## 1. Mandatory Criteria

The following are mandatory requirements. Responses not clearly demonstrating that they meet them will receive no further consideration during the evaluation process.

# **Mandatory Criteria**

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.

Must be legally able to work in Canada and travel when and if necessary to various BCER locations.

Rates must be provided in Canadian funds.

#### 2. Desirable Criteria

Responses meeting the mandatory requirements will be further assessed against the following desirable criteria.

Criteria	Weighting
Relevant experience	
Corporate experiences with energy resource industry or BC     Government resource sector	30
Personnel experience with energy resource industry or BC Government resource sector	15
Experience with First Nations and resource development projects	15
Competitiveness of hourly rates	15
Geographic coverage throughout BC	15
Ability to provide services on short notice in case of spills, incidents, etc.	10
TOTAL POINTS AVAILABLE	100

## 7. 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. Responses should be succinct and should focus on the specific services being requested, including the technologies and methodologies the BCER uses. Please be considerate of the time it will take to review the submission.

Responses should not include large appendices such as project management standards, promotional or sales material.

In order to expedite a fair and unbiased proposal review process, the BCER's preference is for all proposals to use the following outline in 20 pages or less (not including CVs):

- Cover Letter
- 1-2 pages description of the proponent's organization, and the organizations experience
- 1-2 pages per service area including relevant project examples
- 1 page of value add (description of additional benefits not described in this RFQ)
- Costs (hourly rates) in Canadian funds