October 2010



# Request for Proposals

# *Provision of consultant services for an external review of the Mackenzie Valley Review Board’s environmental assessment process.*

The Mackenzie Valley Environmental Impact Review Board (Review Board) is requesting proposals from qualified persons or firms for the provisions of the services outlined in this Request for Proposals (RFP).

# Introduction

#### Goal:

To critically examine the environmental assessment process and Review Board operations in order to identify modifications and alternatives to completing environmental impact assessments in a more timely manner.

#### Background

The *Mackenzie Valley Resource Management Act* establishes a three-phased environmental impact assessment process, consisting of preliminary screening, environmental assessment, and environmental impact review. Preliminary screening is the responsibility of regulatory authorities while the Act establishes the Review Board as the main instrument for environmental assessment and impact review. The majority of proposed developments receive only a preliminary screening. Similarly, the second stage, environmental assessment, occurs more frequently than the environmental impact review process. The environmental assessment process, however, has evolved, in many cases, to resemble an environmental impact review.

The northern regulatory system, and with it the Review Board’s environmental assessment process, has been described as slow, complex, and lacking certainty. The environmental assessment often takes several years, and is frequently followed by a lengthy process between various responsible government ministers as well as between the responsible ministers and the Review Board. As a consequence the Review Board added “a timely environmental assessment process” as a goal to its strategic plan.

The Review Board’s strategic goals over the next 3 years are in order of importance:

1. A timely environmental assessment process
2. Effective and efficient board operations
3. Information and communication needs of stakeholders and the public are met
4. An effective role in the integrated resource management system

The Review Board is committed to continually improve its process and over the past 10 years has introduced numerous changes and innovations, on its own accord and in response to parties’ suggestions or requests. After 10 years of continual internal improvements the Review Board is of the opinion that an external review of the Board’s processes and its operations is required to attain significant time savings or other improvements.

# The challenge

*Identify shortcomings in the environmental assessment process and Review Board operations and outline possible solutions*.

The review will focus on the Review Board’s top strategic goal: “a timely environmental assessment process”. The review should, however, identify linkages to the three other goals listed above. The review should identify the main bottlenecks in the process and outline solutions to those within the Review Board’s control.

# Approach

The review is anticipated to consist of 5 phases:

1. Problem definition
2. Refining methods
3. Research
4. Developing solutions
5. Implementation and sharing of results

While the Review Board does not intend to prescribe which methods the consultants should use, the Review Board will require the consultant to consult with the Review Board about the methods used and to take the following into consideration:

* The review should focus on the EA process, particularly as it is managed and controlled by the Review Board, while identifying linkages to the overall regulatory system.
* The review should identify where a shortening of timelines in the EA process may have a positive or negative effect on the overall process.
* Previous work by the Review Board, e.g. two internal workshops on revising the EA process in 2008 should be incorporated.
* The review should employ case studies, e.g. comparing actual past EA proceedings to past proceedings in another jurisdiction at a comparable level of impact assessment.
* The review should, where possible, rely on hard data, e.g. actual timelines, rather than focusing on interviewing stakeholders.
* The review should identify the main bottlenecks in the EA process, as well as any trade-off that might be required to address these bottlenecks.
* The review should take into consideration the need for a balance between efficiency, effectiveness and fairness.
* Review Board performance should be measured against best practice principles as well as actual practice in other jurisdictions, taking into consideration that the Review Board’s mandate may differ from other jurisdictions in some instances.

# Deliverables

The Review Board expects an examination of the environmental assessment process, component by component that results in:

* A comparative analysis of similar environmental assessment processes in various jurisdictions, including northern, provincial or federal processes (e.g. YESAA, IFA screening and review, NIRB, as well as comparable proceedings pursuant to the *Canadian Environmental Assessment Act* and the proposed *Nunavut Planning and Project Assessment Act)* and identification of possible options for reducing the time to undertake environmental assessments.
* A comparative review of the Board’s current application of work plans with rule based timelines (e.g. as applied in the Yukon) to specific stages of the environmental impact assessment process and how they might apply to the Review Board, the developer and interested parties, including the general public.
* A clarification of the process distinctions between environmental assessment and environmental impact review and the referral process from environmental assessment to impact review
* An investigation of environmental assessment processes with different degrees of effort and information requirements commensurate with the size and complexity of the project and associated impacts.
* An analysis of process options that will improve the timeliness of the Review Board’s EIA processes including advantages, disadvantages and recommendations.
* Suggested revisions to existing guidelines

The consultant will deliver a report including the above items and will present findings to the Review Board. The Review Board further expects the consultant to meet with Review Board staff on several occasions to discuss methods, information sources, presentation of information, etc.

# Evaluation

Proposals will be evaluated using the following weighted criteria:

Project team experience and qualifications (40%)

Proposed methodology (40%)

Costs (20%)

When all else is equal, preference in selection will be given to Northwest Territories based applicants.

# Budgeting and Contracting

The Review Board has established an approximate budget of $90,000.00 for this project. The bulk of the work is to be done between December 1, 2010 and March 31, 2011. The consultant should be available past March 31, 2011 to assist with implementation if required.

Successful applicants whose services are engaged by the Review Board will submit invoices for work completed on a monthly basis during the period of the contract. All invoices should be accompanied by timesheets and associated receipts for disbursement that confirm the work completed during the invoiced period.

Prior to commencement of any work, the applicant will submit a statement of work, with estimated expenses, for approval by the Review Board's Manager of Environmental Impact Assessment. The expenses will include travel, support and miscellaneous expenses, as well as the Goods and Service Tax (GST).

# Disclosure of past activities

Applicants must disclose work previously conducted for developers or other parties, such as government, to an environmental assessment by the Review Board within the past three years. Applicants may use the Review Board’s online public registry or contact the Review Board office to obtain a listing of the relevant organizations.

# Instructions to applicants

1. Proposals shall be sent to the Review Board by mail, facsimile or email to:

Mackenzie Valley Environmental Impact Review Board

P.O. Box 938, #200 Scotia Center, 5102 50th Avenue

Yellowknife NT, XIA 2N7

Facsimile number: (867) 766-7074

Email: vchristensen@reviewboard.ca

Proposals will be accepted until 5:00 (MST) pm on November 10, 2010. Proposals received after the exact time and date noted above will be rejected.

2. Applicants sending their proposals by mail must ensure that the original proposal is also submitted with two copies. To expedite the review of the proposal, the envelope used to send the proposal should clearly indicate the nature of the contents as well as the closing date and the applicant's name.

3. The Review Board will not be responsible for any proposal that:

* does not indicate the Request for Proposal’s title, closing date and applicant’s name on the outside of the envelope.
* if sent by facsimile, fails to clearly identify, by way of a cover page, the nature of the document.
* is sent to any address other than that provided above.

4. Proposals transmitted by facsimile or email will be accepted under the following conditions:

* The proposal is received before the submission deadline at the facsimile number or email address stated.
* The Review Board will not accept liability for any claim, demand or other actions for any reason should a facsimile transmission or email be interrupted, not received in its entirety, received after the stated closing time and date, received by any other facsimile unit or email address other than those stated herein, or for any other reasons.
* The Review Board cannot guarantee the complete confidentiality of information contained in the proposal received by facsimile or email;
* The applicant shall submit an original proposal and two copies to the address stated herein immediately following the transmission of the facsimile or email.
* Emailed proposals should be submitted in either Post Document Format (PDF) or Microsoft Word format.
* If sending the proposal by email or facsimile, the applicant is recommended to confirm receipt of the proposal by a telephone inquiry to ensure that it has been received before the closing date. All questions or inquiries concerning this Request for Proposals must be in writing and must be submitted to the contact person (provided below) no later than five (5) calendar days prior to the proposal deadline. Verbal responses to any inquiry cannot be relied upon and are not binding on either party.

5. Notice in writing to an applicant and the subsequent execution of a written agreement shall constitute the making of a contract. No applicant shall acquire any legal or equitable rights or privileges whatsoever until the contract is signed.

6. The contract will contain the relevant provisions of this Request for Proposals. Additionally, the contract may include mutually agreed provisions, which may arise from the accepted proposal or as a result of any negotiations prior or subsequent thereto. The Review Board reserves the right to negotiate modifications with any applicant who has submitted a proposal.

7. In the event of any inconsistency between this Request for Proposal and the ensuing contract, the contract shall govern.

8. The Review Board has the right to cancel this Request for Proposals at any time, as well as the right to revise or re-issue it for any reason whatsoever, without incurring any liability and no applicant will have any claim against the Review Board as a consequence.

9. Any amendments made by the Review Board to this Request for Proposals will be issued, in writing, before the closing date and time, and will be sent to all parties that have requested the Request for Proposal documents.

10. The Review Board is not liable for any costs of preparation or submission of proposals.

11. Applicants may amend their proposal up to the closing date and time by email or facsimile. After the closing date and time, a proposal may not be amended but the applicant may withdraw its proposal at any time prior to acceptance.

12. The *Access to Information Act* and the *Privacy Act* will define the Review Board’s responsibilities with respect to any information received pursuant to the RFP process.

13. The proposal and accompanying documentation submitted by the applicants are the property of the Review Board and will not be returned.

**Contact information**

For more information on this Request for Proposal, please contact Vern Christensen at the Review Board at the following address:

**Mackenzie Valley Environmental Impact Review Board**

P.O. Box 938 #200 Scotia Centre, 5102-50th Ave.

Yellowknife, NT

Tel: (867) 766-7055

Fax: (867) 766-7074

**Attn: vchristensen@reviewboard.ca**