

REQUEST FOR PROPOSALS (RFP)

For

**Development of a Compliance and
Enforcement Framework**

Issued by:
Resource Productivity and Recovery Authority
March 13, 2017

Response Deadline:
4:00 p.m. (EST) on March 27, 2017

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1.0 INTRODUCTION

The Resource Productivity and Recovery Authority (RPRA) is seeking qualified expert consulting services with demonstrated expertise in compliance and enforcement to develop its compliance and enforcement framework and program.

2.0 BACKGROUND

On June 9, 2016, Bill 151 – An Act to enact the Resource Recovery and Circular Economy Act, 2016 ('RRCEA') and the Waste Diversion Transition Act, 2016 ('WTDA') - received Royal Assent. This new legislation - called the Waste-Free Ontario Act, 2016 - is designed to replace the Waste Diversion Act, 2002 ('WDA') with a new producer responsibility framework that makes producers individually responsible and accountable for their products and packaging at end of life.

There are two Schedules to the Act: Schedule 1 – the Resource Recovery and Circular Economy Act, 2016 and Schedule 2 – the Waste Diversion Transition Act, 2016. The new producer responsibility framework is set out in Schedule 1 and includes the creation of the Resource Productivity and Recovery Authority ('RPRA').

RPRA will develop and operate an electronic registry to effectively monitor producer performance and will collect fees to cover the administrative costs of the Authority. It also has new responsibilities for oversight, compliance, and enforcement of new producer responsibilities established by the Minister of the Environment and Climate Change (MOECC).

In addition to its responsibilities to operate a Registry, RPRA will also be responsible for oversight, compliance, and enforcement of the existing programs established under the WDA until all programs have been wound up. These programs, operated by Industry Funding Organizations, include the Ontario Blue Box program, the Used Tires Program, the Waste Electrical and Electronic Equipment Program, the Municipal Hazardous or Special Waste Program. This also include programs operated by Independent Steward Organizations for the diversion of paints and coatings, pesticides, solvents and fertilizers and SodaStream CO₂ cylinders.

On November 30, 2016, the Resource Productivity and Recovery Authority (RPRA) was proclaimed as part of the new Waste-Free Ontario Act, 2016 that received Royal Assent in June, 2016. This means that RPRA, a new oversight, compliance, and enforcement organization, is now in operation under the direction of RPRA's initial board of directors.

The [Waste Free Ontario Act](#) sets out the Authority's responsibilities and powers. The [Draft MOECC-RPRA Operating Agreement](#) includes sections pertaining to RPRA compliance and enforcement responsibilities.

3.0 PROJECT OBJECTIVE

RPRA is proceeding with the development of its compliance and enforcement framework and program. The framework and program will ensure the Authority can exercise its powers and perform its duties in relation to enforcement of the Waste Free Ontario Act. These include:

- Inspections and seizures
- Compliance orders
- Orders imposing administrative penalties
- Offences

The framework will be modeled after a graduated compliance and enforcement approach.

4.0 EXPECTED DELIVERABLES

A final Compliance and Enforcement Framework and Program will include:

- Organizational structure defining roles and responsibilities
- Compliance policy including Code of Conduct
- Policies and procedures including those that define core activities, and model intake processes
- An inspection and investigation program including inspector and investigator training manual and curriculum
- Delivery of initial training session to select RPRA staff including potential new compliance officers
- Liaison with MOECC under the MOU for Enforcement as required by the Transitional Operating Agreement

5.0 GENERAL INSTRUCTIONS TO PROPONENTS

5.1 General Invitation to Submit Proposals

RPRA is seeking proposals for the Development of a Compliance and Enforcement Framework and Program. Proposals specifically marked “Development of a Compliance and Enforcement Framework” shall be received by the following:

Attention: Geoff Rathbone, Director of Operations
RPRA
4711 Yonge Street, Suite 1102, Toronto ON M2N 6K8
grathbone@rpra.ca

Proposals will be accepted until 4:00 p.m (EST) March 27, 2017. Late proposals will not be accepted. Proponents must provide their proposal electronically in PDF file format on or before the specified submission deadline.

All proposal amounts shall be indicated in words and figures and shall include applicable taxes and any other associated costs the successful Vendor(s) will require.

5.2 Complete Proposals

The requirements that each proponent must follow and include in its proposal submission are outlined herein. RPRRA reserves the right to determine, in its sole and unfettered discretion, whether any proposal meets the mandatory requirements. Proposals shall address all of the requirements as outlined in this RFP in addition to any perceived or anticipated requirements determined by the Vendor.

5.3 Negotiation

RPRRA reserves the right to negotiate with any or all Vendors including those Vendors that have submitted a proposal that does not fully comply, either in material or non-material ways, with the RFP requirements.

5.4 Request for Information

Each Vendor is solely responsible for ensuring that it has all information necessary to prepare its proposal and for independently verifying and informing itself with respect to any terms or conditions that may affect this proposal. All inquiries related to the RFP shall be directed to: Geoff Rathbone, Director of Operations, grathbone@rpra.ca.

5.5 Acceptance of Proposals

RPRRA reserves the right to reject any or all Proposals or to accept the Proposal deemed most favourable to RPRRA. All proposals must include a statement of authorization to submit a proposal signed by a principal of the Vendor.

Following the evaluation of the submitted proposals, RPRRA will consider entering into negotiations for a contract with a prospective Vendor(s) it believes best meets the needs and expectations and offers the best overall content and value. The solicitation of proposals does not in any way commit RPRRA to accept any proposal or to commence negotiations with any Vendor.

6.0 PROPOSAL REQUIREMENTS

6.1 No Conflict of Interest

The successful Vendor(s) must not have a real or apparent conflict of interest between its ability to provide an independent review on this project, and its service to RPRRA.

6.2 Executive Summary

The Vendor shall provide an executive summary with its proposal in addition to the minimum requirements/expectations as outlined. The executive summary shall briefly summarize the key aspects of the proposal and the primary contact person for the prospective Vendor.

6.3 RFP Submissions

The minimum requirements of the RFP submissions should:

- Introduce the Vendor.
- Provide a statement declaring the Vendor has no conflict of interest in completing the project.
- Provide a description of the Vendor's history, experience and recent relevant projects.
- Demonstrate understanding of the scope and complexity of the required work.
- Description of Vendor's abilities related to Compliance and Enforcement.
- Identify the person(s) who would be involved in the project, their proposed role on the project, and their experience and qualifications to fulfill that role. Clearly outline if any services will be outsourced.

- Describe any professional and technical services that will be called upon to assist in the project.
- Indicate the proponent’s ability to meet the timelines as set out herein.
- Provide a detailed description of processes and deliverables.
- Provide a proposed timeline for each component of the project.
- Outline the methodology and approaches that would be used in carrying out the specific project.
- Client references (names, phone numbers and email addresses) who may be contacted to confirm the satisfactory delivery of service by key team member(s) on previous assignments

Submissions must include:

- Project specific content:
 - the proposed work plan and timeline
- Cost quotation including:
 - planning time
 - development time
 - meeting time

7.0 REQUEST FOR PROPOSAL PROCESS

7.1 General Information

The submission of a proposal does not constitute a legally binding agreement between RPRA and any Vendor. It is part of an overall selection process intended to enable RPRA to identify a potential successful Vendor for the provision of services described herein. The goal of this RFP process is to identify those Vendors who offer the best delivery of service and value and demonstrate the highest degree of capability for providing and implementing the functions and objectives of the project.

A contract will be entered into between the successful Vendor and RPRA. RPRA is not bound to negotiate with the lowest cost or any Vendor and may, in its sole discretion, discontinue the RFP process and/or cancel the initiatives as outlined prior to the execution of the contract.

7.2 Proposed Schedule & Submittal Information

Milestone	Scheduled Date
Release of Request For Proposal (RFP)	March 14, 2017
Proposals due	March 27, 2017
Selection of firm (through score sheet)	March 30, 2017
Project Start Up Meeting	April 2, 2017
Project Completion	July 31, 2017

RPRA reserves the right to modify the schedule as circumstances may warrant.

Other Information

Confidentiality of Information

RPRA will require the successful Vendor(s) to enter into a confidentiality agreement with RPRA that protects all information provided to the Vendor(s) by RPRA in order to complete this project.

Reporting and Questions

The successful respondent(s) will report to Geoff Rathbone, Director of Operations. Questions about proposal preparation should be forwarded by email to grathbone@rp.ra.ca.

Support from RPRA for Successful Vendor(s)

RPRA will assign one or more RPRA staff to be an information resource to the Vendor on this project.

Project Schedule and Charge for Late Delivery

RPRA requires this project completed no later than July 31, 2017. The fees for the project will be reduced by 5% if the project is not completed by this date.

Vendor’s Responsibilities

The vendor will:

- Complete scope of work;
- Schedule in-person meetings with RPRA
- Provide required reporting to RPRA (weekly updates, project milestone reports)

8.0 DURATION OF OFFER

Proposals will be accepted up until March 27, 2017 at 4:00 pm. Late proposals will not be considered. RPRA also reserves the right to extend the RFP deadline.

9.0 EVALUATION CRITERIA

9.1 Submission Evaluation

The evaluation process to determine the successful Vendor(s) will involve both qualitative and quantitative elements. As a general framework, all proposals presented by Vendors will be evaluated in the context of the overall value that it brings to the initiative. While cost is a part of the evaluation criteria, it will not be the sole determinant. Proposals will be reviewed and ranked on the following criteria and scored out of a 100 point total as follows:

Ranking Criteria	Percentage
Demonstrated understanding of project goals	10%
Approach and methodology	30%
Qualifications of project team and firm’s relevant experience	30%
Project timelines	10%
Total cost	20%

RPRA reaffirms its right to make any selection it deems prudent, and responding firms or individual participants acknowledge through their participation that such selection is not subject to protest or contest.

RPRA reserves the right to:

- not award a contract as a result of this RFP;
- award contracts to one or more respondents;
- modify the tasks based on negotiation with respondents and/or reduce scope based on proposed costs.

10.0 CLARIFICATIONS/ INTERPRETATIONS

Each prospective Vendor shall be responsible for conducting its own due diligence on the data and information upon which their proposal is based. Prospective Vendors shall be deemed to have gathered all information necessary to perform their obligations under the RFP.

Information referenced in this RFP, or otherwise made available by RPRA as part of this RFP, is provided for the convenience of the prospective Vendor only and RPRA does not warrant the accuracy or completeness of this information. Prospective Vendors that find discrepancies or omissions in the information provided, or that have questions as to the meaning or intent of various aspects of the project, shall at once notify Geoff Rathbone , who will, if necessary, send written instructions, clarifications, or explanations to all prospective Vendors who have responded to this RFP.

Project Billings and Budget

Based on scope of work contained within the submitted proposal, the successful Vendor(s) will be expected to submit a detailed breakdown of all fees relative to the specific project components as well as related expenses including: expenditures for services, production, creative concept development, communication with client and any other costs. A tally of all costs will be provided as a total lump sum fee.

Respondents may propose to invoice on a milestone or hourly basis. Regardless of the method used, invoices must clearly identify the costs associated.