

STANDING OFFER AGREEMENT TO PROVIDE TECHNICAL AND RELATED SUPPORT SERVICES FOR PROJECT CONSULTATIONS



Request for Abbreviated Proposal

Lands, Resources and Consultations (LRC) Branch
14 September 2015



Métis Nation of Ontario
Lands, Resources and Consultations

Métis Nation
of Ontario 

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1. Background

The Métis Nation of Ontario (MNO), through its democratic governance structures at the local, regional and provincial levels, represents regional rights-bearing Métis communities that live in, use and rely on the different traditional territories across the province of Ontario.

Through trade, kinship connections, mobility, seasonal rounds (i.e., harvesting practices), socio-economic drivers and political organization, distinct and identifiable historic Métis communities have emerged in various regions of the province of Ontario, which are today a part of the larger Métis Nation of Ontario. Today, the descendants of these historic Métis communities continue to live throughout Ontario and constitute contemporary Métis communities, consistent with the seminal 2003 decision of the Supreme Court of Canada in *R. v. Powley*.

These contemporary Métis communities have land, harvesting, cultural, spiritual and economic rights and interests throughout their traditional territories, which co-exist with the rights and interests of other Aboriginal groups throughout Ontario. These unextinguished Métis rights are protected by s. 35 of the *Constitution Act, 1982* and trigger the Crown's duty to consult and accommodate Aboriginal peoples.

On behalf of the regional rights-bearing Métis communities in the province of Ontario, the MNO has been working with government and industry to ensure Métis communities in the different regions of Ontario are meaningfully consulted and accommodated on projects and developments occurring in their respective regions.

In particular, as part of the MNO's consultation framework, Métis Regional Consultation Committees (the "Committees") have been created for the purpose of liaising with government and proponents on behalf of regional rights-bearing Métis communities throughout the province. These Committees consist of the elected leadership of regional MNO Community Councils as well as regionally elected Métis leadership. The MNO's Lands, Resources and Consultations (LRC) Branch, on behalf of the Committees, provides technical, research and policy support as well as scientific expertise needed for meaningful consultation and accommodation.

2. Statement of Purpose

The MNO is calling for abbreviated proposals from consulting firms and individual expert practitioners to establish a *Standing Offer Agreement* (SOA) to provide “as and when required” professional technical and related support services to the MNO. Law firms with expertise in duty to consult, Métis rights and Aboriginal business structuring experience are also invited to submit an abbreviated proposal.

The objective of this *Request for Abbreviated Proposal* (RFAP) is to select firms and/or individual experts who will enter into an SOA with the MNO to provide services on an “as and when required” basis for project consultations throughout Ontario.

3. Technical and Related Support Services

The consultant(s) will work closely with the LRC Branch and the Committees of the MNO on a broad range of projects at various stages of development in order to provide one or more of the following **Technical and Related Support Services**:

- a) Preparation of Métis traditional knowledge and land use studies;
- b) Métis issues-focused technical reviews of environmental assessment (EA) studies and other regulatory documentation;
- c) Planning and implementation of project consultations with communities;
- d) Facilitation of community meetings, sessions and conferences;
- e) Database management and spatial analysis support;
- f) Technical support that may involve a range of environmental disciplines, including geology, hydrogeology, hydrology, water quality, terrestrial and aquatic ecology, and species at risk-related issues;
- g) Social and historical research support, including socio-economic assessments, historical research and archaeological assessments; and
- h) Legal support to provide expertise in the application of the Crown’s duty to consult and accommodate, Métis rights, interests and way of life, Aboriginal business structuring, and panel witness preparation.

4. Requirements of Abbreviated Proposal

Contractors are requested to submit an abbreviated proposal to the MNO, which will clearly set out the qualifications of the contractor. The MNO requests that abbreviated proposals are presented within the page limits indicated below for each component.

The applicant should include the following components in the abbreviated proposal:

1. Technical Expertise – A description of how the firm(s)/expert(s) can supply one or more of the technical and related support services, as set out in Section 3. A description of the contractor’s approach to providing the service(s) and demonstrated experience should be provided by the applicant. The proposal must specifically identify those technical and support services for which the applicant would like to be considered. Limit of two (2) pages for any one Technical and Related Support Service listed in Section 3.
2. Team Qualifications – A description of the consultant team’s credentials and qualifications. Specifically, applicants should have suitable qualifications to provide expert testimony, when and where required, to government, regulators and the Courts. Limit of two (2) pages for this component. Applicants may also include *curriculum vitae* and/or bios for up to five (5) key team members as appendices (limited to four (4) pages per curriculum vitae and/or bio).
3. Experience specifically with Métis and more generally Aboriginal Issues and the MNO/other Aboriginal organizations – A demonstrated knowledge of Métis way of life, Métis in Ontario and the MNO should be provided, which includes a description of experience working with the Métis community and the MNO, as well as relevant work with other Aboriginal communities. Successful applicants will have the ability to work with Aboriginal peoples including having cultural sensitivity and a sound understanding of the historical place of Aboriginal peoples in Canada, as well as the current legal and policy landscape facing Aboriginal peoples in Canada. Limit of two (2) pages for this component.
4. Project Management approach – A description of knowledge and experience in managing complex projects with various stakeholders and challenging project timelines. This should include a demonstrated history of providing high-quality work under challenging timelines, and strong communications and project management expertise. Limit of two (2) pages for this component.

5. Cost of Services – A description of the cost of consultant services to be rendered. This section should include a description of charge-out rate(s), which will be applicable for two (2) years, and which may vary according to position and/or credentials. Also, a delineation of activities and fees typically associated with each of the Technical and Related Support Services may be provided in respect of which the consultant is proposing to provide technical support and related services. Limit of two (2) pages per Technical and Related Support Service listed in Section 3, as required.

5. Submission Schedule

For questions about the RFAP, please contact Mark Knell at the contact details below, by September 28, 2015 at 5.00 pm:

Mark Knell
Manager, Environmental Assessment and Regulatory Issues
Lands, Resources and Consultations (LRC) Branch
Métis Nation of Ontario
Tel: (416) 977-9881 Ext. 112
MarkK@metisnation.org

Please submit final proposal in electronic format by October 5, 2015 at 5.00 pm (EST) to Mark Knell at the following email address:

MarkK@metisnation.org

6. Evaluation and Award Process

Abbreviated proposals will be evaluated using criteria identified in Appendix A of this RFAP. The criteria relate to technical expertise, team qualifications, experience with Métis and the MNO, project management approach and cost of services.

The highest ranking firms/experts identified through the evaluation process will be informed that the contractor's proposal to enter into an SOA with the MNO has been accepted.

7. Term of Agreement

The SOA will be valid for a period of two (2) years from the date of award. If mutually agreeable between each consultant and the MNO, SOAs may each be extended for up to one (1) additional year.

For contracting opportunities, the MNO will contact selected Standing Offer Firms, as and when required, and at the MNO's discretion, to invite contractors to bid on future work through a Request for Quotation process.

Appendix A – Evaluation Criteria for Abbreviated Proposals

Evaluation Criteria	Criteria Weight
Technical Expertise	20%
Team Qualifications	10%
Experience specifically with Métis and more generally Aboriginal Issues and the MNO/other Aboriginal organizations	30%
Project Management Approach	20%
Cost of Services	20%
Total	100%