



Advance Contract Award Notice

1.0 Introduction

The Immigration and Refugee Board of Canada (IRB) has a requirement for advanced, specialized training on quasi-judicial decision writing and on an “as and when requested basis” post-review and related coaching services for its members of the Refugee Appeal Division (RAD).

The purpose of this advance contract award notice (ACAN) is to signal the IRB’s intention to award a contract for these services to:

Canadian Institute for the Administration of Justice (CIAJ)
Faculty of Law
Université de Montréal
3101 Chemin de la Tour, Room A-3421
PO Box 6128, Station Centre Ville
Montreal, Quebec, Canada
H3C 3J7

Before awarding a contract, however, the IRB would like to provide other suppliers with the opportunity to demonstrate that they are capable of satisfying the requirements set out in this ACAN, by submitting a statement of capabilities within the posting period for this ACAN, which is fifteen (15) calendar days.

If, during the posting period, other potential suppliers submit a statement of capabilities that meets the requirements set out in this ACAN, the IRB may proceed to a full tendering process via the Government Electronic Tendering Service or by inviting bids directly from suppliers.

If no other supplier submits, on or before the closing date a statement of capabilities meeting the requirements set out in the ACAN, a contract will be awarded to the above-noted supplier.

2.0 Background

The IRB is a quasi-judicial administrative tribunal entrusted by Parliament to resolve immigration and refugee cases. The IRB decides its cases at arm’s length from the Government of Canada and in a manner that is less formal and faster than a court. RAD’s role is to consider appeals against decisions of the Refugee Protection Division (RPD) to allow or reject claims for refugee protection.

The IRB has four (4) divisions (Immigration Division; Immigration Appeal Division; Refugee Protection Division; Refugee Appeal Division) that issue decisions by authority of the Immigration and Refugee Protection Act (IRPA).



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The IRB (through RAD) has a requirement to provide advanced, specialized training to new and existing members on advanced quasi-judicial decision writing within the context of its role in reviewing appeals and issuing decisions in respect of the Immigration and Refugee Protection Act, the Immigration and Refugee Protection Regulations, and the Refugee Appeal Division Rules.

The work will involve the following:

The Contractor must deliver one (1) bilingual (English and French) training session on Quasi-judicial Decision Writing for up to eighty (80) participants and provide post-review feedback and related coaching sessions on an "as and when requested basis".

The training session is required to be delivered on November 20 and 21, 2018.

The Contractor must have the resources and capacity to:

- a) Meet with RAD management, staff and lawyers by teleconference, as required, prior to the delivery of the training sessions in order to become familiar with the issues facing members;
- b) Provide up to ten (10) highly qualified specialist trainers in quasi-judicial decision writing within the context of the Immigration and Refugee Protection Act to facilitate simultaneous, hands-on reasons-writing training workshops in small groups. These specialists must be current or retired law professors or practicing lawyers who have at least two (2) years of experience providing training on quasi-judicial or judicial decision writing;
- c) Deliver the training session (including training material) in French, English, and bilingually;
- d) Secure judges of a provincial Superior or Appeal Court or the Federal Court or Federal Court of Appeal to deliver plenary presentations at training sessions; and
- e) Provide post-training revision services and provide feedback comments on the first two (2) decisions drafted by members, who have taken the quasi-judicial decision writing training, using new quasi-judicial decision writing techniques.

The training session to be delivered by the Contractor must:

- a) cover a consecutive two (2) day period;
- b) provide each participant with all required training material (training package - English, French, or bilingual) to be tailored to address the issues that the members of RAD encounter on a daily basis;
- c) provide analysis and guidance on issues that arise when writing quasi-judicial decisions using decision examples that the members provide and leading English, French, and bilingual discussions;



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- d) comprise one (1) or more groups where each group consists of up to eight (8) participants (English, French, or bilingual); and
- e) comprise up to two (2) plenary sessions delivered by judges of a provincial Superior or Appeal Court or the Federal Court or the Federal Court of Appeal.

Volumetric/Level of Effort:

It is anticipated that the Contractor will be required to deliver 1 (one) training session over two days to up to eighty (80) RAD members, as well as up to 48 post revision, feedback coaching sessions for members.

Location of Work:

All preparation for the training and plenary sessions must be performed at the Contractor's location(s).

All training and plenary sessions must be delivered at a location to be confirmed in advance by the IRB's Project Authority. It is anticipated that the sessions will be held in the National Capital Region (NCR) or at a location within 500 kilometers from the NCR.

Travel

The Contractor's proposed speakers delivering the plenary sessions and the trainers must perform the work at the location(s) specified in "Location of Work" above. Travel will be arranged by the Contractor.

It is not anticipated that the Contractor and its resources will be required to travel to provide the as and when requested post training review services.

Languages of Work:

The Contractor must deliver French, English and bilingual workshops. The plenary presentations will be given in French or English with simultaneous interpretation.

Security requirements:

There are no security requirements associated with this requirement.

Duration of the Contract:

The proposed contract is for a period of one (1) year. The Contractor must grant to Canada the irrevocable option to extend the term of the Contract by up to two (2) additional one (1) year period(s) under the same conditions.

Estimated Contract Value:

The estimated value of the contract, including the option period(s), is up to \$85,000 Canadian dollars (Applicable Taxes are extra).



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3.0 Minimum Mandatory Requirements

Any interested supplier must demonstrate by way of a statement of capabilities that it meets the following requirements:

- a) The supplier must have off-the-shelf commercially available training material on quasi-judicial decision writing that can be quickly adapted for refugee determination decision-makers;
- b) All proposed trainers must be current or retired law professors or practicing lawyers who have at least two (2) years of experience providing training on quasi-judicial or judicial decision writing;
- c) All proposed plenary session speakers should include at least one (1) current judge of a provincial Superior or Appeal Court or of the Federal Court or the Federal Court of Appeal;
- d) Supplier must have experience and capability to deliver the training in English, French and bilingual (English and French) formats;
- e) Supplier must have capacity to deliver concurrent, trainer-led, small-group workshops for up to eighty (80) participants (working in groups of no more than 8).

4.0 Justification for the Pre-selected Supplier

The Canadian Institute for the Administration of Justice (CIAJ) is the only organization that currently offers bilingual (English and French) off-the-shelf, commercial training on writing quasi-judicial decisions based on Canadian legislation, and provides training participant material based on each client's mandated requirements.

CIAJ is the owner of the intellectual property rights to the training material.

Training in quasi-judicial decision writing specific to the requirements of the members of the Refugee Appeal Division is highly specialized and must be carried out by qualified resources (highly experienced and specialized lawyers and judges). CIAJ has the resources and capacity to meet this requirement as per the minimum mandatory requirements specified above in section 3.0 and to deliver within the IRB's tight timeframes.



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5.0 Intellectual Property

Ownership of any foreground intellectual property arising out of the proposed contract will vest in the contractor.

6.0 Statement of Capabilities

Suppliers who consider themselves fully qualified and available to meet the specified requirements may submit a statement of capabilities in writing to the contracting authority identified in this notice on or before the closing date of this notice. The statement of capabilities must clearly demonstrate how the supplier meets the advertised requirements.

The closing date and time for accepting statements of capabilities is September 28, 2018 at 2:00 p.m. EST.

7.0 Contact Information

Inquiries and statements of capabilities are to be directed in writing to:

Tamara Bennett
Immigration and Refugee Board of Canada
344 Slater Street
Ottawa ON.
Canada

Email: Tamara.Bennett@irb-cisr.gc.ca

8.0 Policy Information

Government Contracts Regulations: section 6(d): “only one person is capable of performing the contract”.

This requirement is not subject to the following trade agreements because the value of the contract to be awarded is estimated to be lower than the applicable thresholds.

World Trade Organization – Agreement on Government Procurement (WTO-AGP) - Article II, 2. (c) and Annex 1.

North American Free Trade Agreement (NAFTA) – Article 1001 1. (c).

Canadian Free Trade Agreement (CFTA) – (Article 505, paragraph 3).