



## RETURN SUBMISSIONS TO:

Canadian Energy Regulator  
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Calgary, AB, Canada T2R 0A8  
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## REQUEST FOR INFORMATION

Comments

### Proposal To: Canadian Energy Regulator

The referenced document is hereby revised;  
unless otherwise indicated.

<b>Title</b>		
Indigenous Monitoring Program		
<b>Solicitation No.</b>	<b>Amendment No</b>	<b>Date</b>
84084-21-0147		2021-10-21
<b>Solicitation Closes</b>		<b>Time Zone</b>
<b>at</b>	<b>02 :00 PM – 14h00</b>	<b>Mountain Standard Time (MST)</b>
<b>on</b>	<b>2021-11-23</b>	
<b>F.O.B.</b>		
<b>Plant:</b> <input type="checkbox"/>	<b>Destination:</b> <input checked="" type="checkbox"/>	<b>Other:</b> <input type="checkbox"/>
<b>Address inquiries to:</b>		
Frances Todd		
<b>Area code and Telephone No.</b>	<b>Facsimile No. / E-mail</b>	
	<a href="mailto:Fran.todd@cer-rec.gc.ca">Fran.todd@cer-rec.gc.ca</a>	
<b>Destination – of Goods, Services, and Construction:</b>		
<b>See herein</b>		

**Instructions:** See Herein

<b>Delivery required</b>	<b>Delivery offered</b>
See Herein	
<b>Vendor/firm Name and Address</b>	
<b>Telephone No.</b>	
<b>E-mail</b>	
<b>Name and title of person authorized to sign on behalf of Vendor/firm (type or print)</b>	
<b>Signature</b>	<b>Date</b>

## **Title: Request for Information - Indigenous Monitoring Program**

### **Part 1 – Introduction**

### **Part 2 – Respondents Instructions**

### **Part 3 – Statement of Work**

### **Annex A – Questions/Comments**

### **Annex B – Sample of Tasks for Indigenous Monitoring Program**

## **Part 1 - Introduction**

This Request for Information (RFI) is open to Indigenous vendors and communities under the Government of Canada, Procurement Strategy for Indigenous Business (PSIB).

Responding to this Request for Information (RFI) is not a prerequisite to receiving or being eligible to bid on any Request for Proposal (RFP) for this requirement. Any RFP will be advertised on the Government Electronic Tendering Service (GETS) commonly referred to as Buy and Sell (<https://buyandsell.gc.ca/>).

This RFI is not to be construed as a solicitation for tenders or proposals. No contract or other form of commitment will be entered into based on responses to this RFI. This RFI is not considered as authorization by the Canada Energy Regulator (CER) to undertake any work that would result in costs to CER. Nothing in this RFI shall be construed as a commitment from CER to issue an RFP for this program.

All responses will be held by CER on a confidential basis (subject to applicable federal legislation) and remain the property of CER once they have been received. However, the CER may use and reproduce any non-proprietary information provided in its review and/or in the preparation of any formal RFP, while respecting confidentiality rules.

Vendors responding to this RFI are advised to clearly identify which (if any) portions of their responses are proprietary and may be invited to a meeting to further clarify their responses to questions provided in Appendix A. The confidentiality of each vendor's response will be maintained.

CER reserves the right to change, at any time, any or all parts of the requirements as it deems necessary. CER also reserves the right to revise its procurement approach, as it considers appropriate, either based upon information submitted in response to this RFI or for any other reason it deems appropriate.

**This is not a bid solicitation. A Contract will not result from the activity.**

The CER will not reimburse any expenses incurred for the preparation of responses to this RFI.

The CER may, at its sole discretion, invite vendors to attend one-on-one follow-up meetings to further discuss their response to this RFI. The purpose of these meetings is to enable additional information sharing on the vendor's response.

Vendors that have expressed such interest and have demonstrated via their response to the RFI that their services correspond sufficiently to the product questions as stated herein may be contacted within two weeks of the RFI closing date to schedule the meeting.



The meeting can be on site at a CER office located in Calgary, Alberta or remote utilizing audio and/or video conferencing tools such as MS Teams. The time frame for each session will be a maximum of 2 hours.



## Part 2 – Respondent Instructions

1. Vendors are requested to submit responses to this RFI using the following e-mail

E-mail: [fran.todd@cer-rec.gc.ca](mailto:fran.todd@cer-rec.gc.ca)

2. All enquiries must be submitted via email to the attention of Fran Todd at

[Fran.Todd@cer-rec.gc.ca](mailto:Fran.Todd@cer-rec.gc.ca)

3. Please include in the subject line - **21-0147 RFP Indigenous Monitoring Program**
4. It is requested that responses are not submitted by facsimile (fax) or physical mail, but rather only to the electronic mailing address shown above.
5. This RFI document is available to Indigenous vendors, and Indigenous communities affected by construction projects on the NGTL pipeline system.
6. Response required by 14:00 MST on November 23, 2021.

### **Information Sessions**

7. The CER will be holding three online information sessions via Eventbrite.ca for Respondents to attend, the invitation is attached as a separate document to attend either;
  - a. Monday, November 1, 2021 from 1:30 pm to 3:30 pm MDT
  - b. Thursday, November 4, 2021 from 10:00 am to 12:00 pm MDT
  - c. Tuesday, November 9, 2021 from 6:00 pm to 8:00 pm MST
8. It is recommended that the Respondent or a representative of the Respondent attend the sessions. Respondents are requested to communicate with the Contracting Authority no later than October 29, 2021, 11:00 am to confirm attendance and provide the name(s) of the person(s) who will attend. Respondents who do not attend or do not send a representative will not be given an alternative appointment but they will not be precluded from submitting a response. Any clarifications or changes to the request for Information resulting from the sessions will be included as an amendment to the request for information.

### **Enquiries**

9. Please address all enquiries about this RFI to the Contracting Authority:

Frances Todd  
Procurement Specialist  
Canada Energy Regulator  
517 - 10<sup>th</sup> Avenue SW  
Calgary, AB, T2R 0X8  
Telephone: 403-471-7924  
E-mail: [fran.todd@cer-rec.gc.ca](mailto:fran.todd@cer-rec.gc.ca)

To ensure the equality of information among the Respondents, answers to enquiries will be forwarded to all Respondents simultaneously without revealing the sources of the enquiry.

## Part 3 – Statement of Work

### Summary of the Canada Energy Regulator Requirement

The CER conducts compliance verification activities, such as field inspections, compliance meetings and assessment of emergency management exercises, to verify that CER-regulated companies are complying with conditions in authorizations and relevant regulations. The participation of Indigenous People in field inspections and compliance meetings leads to a holistic approach to regulation as it enables the CER to incorporate Indigenous traditional and cultural worldviews into compliance verification related to safety and environmental protection. The CER has committed to involving Indigenous People in the oversight of Nova Gas Transmission Ltd (NGTL) construction activities through the involvement of Indigenous Monitors in compliance verification activities. The Indigenous Monitors work together with CER Inspection Officers to form the inspection team.

The Canada Energy Regulator (CER) is exploring the interest and capacity for the provision of Indigenous Monitoring Services during pipeline construction activities in the following disciplines

- Environmental Protection
- Safety
- Emergency Management

For the purpose of assisting vendors to respond to this RFI, the CER is considering Indigenous Monitoring services from Indigenous owned businesses or communities that are impacted by NGTL construction activities in 2022 and 2023. For more background on this work, refer to the [feature article](#) on Indigenous involvement in the CER's oversight activities.

### The purpose of this RFI is to:

1. Determine the level of interest in providing Indigenous Monitoring services.
2. Provide an opportunity for communities and businesses to demonstrate the capacity and experience in providing Indigenous Monitoring services.
3. Explore the interest of communities in providing Indigenous Monitoring services relative to the geographic location at which NGTL construction activities are occurring in 2022 and 2023.
4. Obtain feedback on the cost and level of effort that is required to provide these services.

### Considerations:

Vendors must meet eligible criteria under the Procurement Strategy for Indigenous Business. An Indigenous business entity must be 51% owned and controlled by an Indigenous person(s).

Vendors must be willing to provide the required insurance coverage for Indigenous Monitors

Indigenous Monitors hired by the Vendor must be willing to undergo the required training and obtain necessary security clearance.

A sample list of duties is attached as Appendix B.



## Appendix A – Questions, Comments and/or Additional Information

The following questions are representative of the type of information the CER is seeking as it considers how to structure a Request for Proposal (RFP) that is appropriate for interested communities and vendors.

Vendors are invited to provide any additional information that might prove useful to the CER in preparing any subsequent RFP, at the end of this Appendix.

**Vendor Name:** \_\_\_\_\_

**Vendor Primary Contact Name:** \_\_\_\_\_

**Vendor Email Address:** \_\_\_\_\_

**Vendor Telephone Number:** \_\_\_\_\_

**How do you prefer to be contacted: Email** \_\_\_\_\_ **Telephone** \_\_\_\_\_

A.1 - NGTL Project that is impacting the community represented by the Vendor	
A.1.1	Which NGTL project (s) impact the community you represent? Check more than one if impacted by multiple projects.
	<u>NGTL 2021 System Expansion Project</u>
	<u>NGTL Edson Mainline Expansion Project</u>
	<u>NGTL North Corridor Expansion Project</u>
	Other NGTL Project: List Other _____



84084-21-0147

October 18, 2021.

A.2 – Governance Agreement	
A.2.1	Which governance agreement applies to the community that you represent?
	Métis Settlements General Council
	Métis Nation of Alberta Region 2
	Métis Nation of Alberta Region 3
	Métis Nation of Alberta Region 4
	Métis Nation of Alberta Region 5
	Métis Nation of Alberta Region 6
	Métis Nation BC
	Non-treaty First Nation
	Treaty 6
	Treaty 7
	Treaty 8
	Other: List Other _____



A.3 - Vendor experience with contract administration	
A.3.1	Have you (the vendor) entered into contracts with the Government of Canada, or provincial governments, in the past? Check the box which represents vendor experience in establishing contracts.
	No contracts have previously been signed with the Government of Canada or provincial governments.
	1-5 contracts
	Greater than 5 contracts
A.3.2	Do you have sufficient administrative capacity to manage a multi-faceted contract with the CER?
	YES
	NO
	Optional comments:

A.4 - Capacity of Indigenous Monitors within the community	
A.4.1	Have you identified any Indigenous Monitors who are interested in participating in this work?
	No Indigenous Monitors are yet identified
	1 Indigenous Monitor is identified
	2 Indigenous Monitors are identified
	3-5 Indigenous Monitors are identified
	Greater than 5 Indigenous Monitors are identified





### A.5 - Experience of Indigenous Monitors

A.5.1	Indicate the experience amount and type that Indigenous Monitors currently hold. Check as many that apply to any Indigenous Monitors.
	No experience but interested in learning
	Experience working with the CER as an Indigenous Monitor
	Experience working in environmental monitoring for industry or other organization (eg. participation in fish surveys, water quality, heritage resource surveys, wildlife surveys and monitoring)
	Experience in health and safety oversight for pipeline construction
	Experience in health and safety oversight in other industry or organization
	Experience in emergency management

### A.6 - Interest of Indigenous Monitors

A.6.1	Which of the following areas do Indigenous Monitors have an interest in building further experience and skills. Check the top 2 areas that Monitors would be interested in working with the CER
	Environmental Protection
	Health and Safety
	Emergency Management
	Socio-economic (eg, heritage resources)

### Additional information you as a vendor consider important

## **Appendix B - SAMPLE of Tasks for Indigenous Monitoring**

**\*this information has been taken from previous documentation and is for information purposes only.\***

**1.0 The roles and responsibilities of Contractors includes, but is not limited to, the following:**

### **1.1 Identify, employ and prepare Indigenous Monitors**

- a) Identify, interview, and hire Competent Indigenous Monitors.
- b) Ensure IMs have required training and certifications, which will include:
  - Mandatory safety training,
  - Contractor-organized training that includes discussion of local traditional knowledge among other topics; and
  - CER-organized training.
- c) Procure and ensure IMs have required personal protective equipment and that they are using it appropriately.
- d) Ensure IMs complete required criminal record checks and sign and adhere to a confidentiality agreement.
- e) Ensure IMs are covered by appropriate insurance, including Workers' Compensation Board coverage and appropriate liability insurance.
- f) Develop and/or maintain appropriate health and safety practice;
- g) Develop and maintain a safety-first focused work culture.
- h) Promote effective, professional working relationships with CER inspection staff.

### **1.2 Support Indigenous Monitors in their understanding of the Indigenous Monitoring Program Objectives and the specific roles and responsibilities of the Indigenous Monitors**

- a) Meet with the CER to outline the processes to be followed in the administration of the contract and to develop understanding of the CER's role in conducting field inspections.
- b) Engage local Indigenous Communities along the pipeline route to develop an understanding of the local interests and concerns, as well as to facilitate resourcing for the inspection activities.
- c) Ensure there is a local Elder or other appropriate resources available to consult with monitors if they have specific questions.
- d) Develop and deliver Contractor-Organized Training in order to help the IMs understand their role in the CER field inspections in the prevention of harm to the land, people and environment.
- e) Support the IMs in coordinating logistics and preparing journey management plans (e.g. method of travel, primary routes, emergency contact information, and potential hazards).

### **1.3 Support Indigenous Monitors' participation in Inspection activities**

- a) Coordinate IMs' participation in CER safety and environmental field inspections (i.e. confirming IMs' availability and scheduling travel logistics).
- b) Ensure IMs complete CER required documentation or documentation required by applicable laws (i.e. hazard assessments, monitoring reports).
- c) Support IMs in their communication with CER staff related to the inspections.

### **1.4 Administer financial documentation and reporting**

- a) Administer IMs' salary and travel expense reimbursement associated with training and monitoring activities
- b) In collaboration with other CER resources, ensure IMs complete required documentation (e.g. expense reports, corporate incident reports)
- c) Consent to a criminal record check by the local police of jurisdiction.
- d) Execute a confidentiality agreement requiring the Contractor and Indigenous Monitors to keep all information including but not limited to, draft inspection reports, documentation, photographs, logs, data, obtained during the course of work with the CER confidential unless and until the information is made publicly available in an explicit manner.
- e) Comply with and sign a Conflict of Interest Agreement.

## **2.0 The roles and responsibilities of Indigenous Monitors include but may not be limited to the following:**

### **2.1 Complete required training and security clearances**

- a) Obtain any required safety or skills certifications or training as determined by applicable laws, the CER, the Proponent and/or Contractor.
- b) With support of the Employer, obtain any required personal protective equipment as determined by applicable laws, CER, the Proponent, and/or employer and use it appropriately, and pursuant to manufacturing specifications.
- c) Consent to a criminal record check by the local police of jurisdiction.
- d) Execute a confidentiality agreement requiring the Employer and Indigenous Monitors to keep all information including but not limited to, draft inspection reports, documentation, photographs, logs, data, obtained during the course of work with the CER confidential unless and until the information is made publicly available in an explicit manner.
- e) Comply with and sign a Conflict of Interest Agreement.

### **2.2 Prepare for Inspection Activities**

- a) Work with CER Inspection Officers (IOs) before work activities commence to provide an Indigenous perspective into the scope of the pipeline inspection.

- b) If appropriate, or at CER request, engage with Indigenous communities, Elders, knowledge keepers, or other technical specialists to understand the local traditional ecological knowledge (TEK) relevant to the Project and scope of the inspections (note, the information received during engagements may be identified as confidential).
- c) Read and review:
  - 1) documentation, including regulatory filings and protection plans, studies and evidence submitted by the proponent and provided to the CER by local Indigenous communities, and
  - 2) relevant regulatory policies and procedures (e.g. mitigation strategies and protocols for cultural artifacts found in construction zones) to build awareness and determine if they relate to local Indigenous concerns.

### **2.3 Conduct Inspection Activities**

- a) Participate in field inspection activities, which will include:
  - 1) Travel to remote locations and staying overnight for extended periods of time (~4 nights per activity);
  - 2) Driving with the Inspection Officers on rough terrain associated with the project right-of-way;
  - 3) Walking active oil and gas construction sites in all weather conditions; and
  - 4) Exposure to site and environmental hazards with a heightened potential for personal injury.
- b) Provide input to CER inspection staff that is relevant to the prevention of harms regarding:
  - 1) Indigenous perspectives, including traditional and contemporary land use, cultural artifacts, traditional ecological knowledge, heritage resources, culturally significant, and/or spiritual or sacred sites and regions; and
  - 2) Corrective actions when a non-compliance is identified.
- c) Take notes and/or photos documenting relevant observations in a field notebook.
- d) Meet with the CER staff and then the proponent to discuss observations made during the inspection activities.

### **2.4 Participate in Follow-Up to Inspection Activities**

- a) Write reports and/or complete documentation as required to be appended to the official CER inspection report and made public as part of the CER Transparency policy.
- b) Review corrective actions identified in response to observed non-compliances.