



## RETURN SUBMISSIONS TO:

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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	01	2021-11-22
<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>2021-11-30</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>	
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<b>Name and title of person authorized to sign on behalf of Vendor/firm (type or print)</b>	
<b>Signature</b>	<b>Date</b>



**21-0147 Request for Information CER Indigenous Monitoring Program for NGTL Phase II  
Information Session 1  
1 November 2021 1:30 pm to 3:00 pm**

**Questions and Answers:**

- 1) I am brand new to the process. What are the first steps? What would you recommend? How do you connect to business? What project criteria are you looking for? Or will you send criteria that you are looking for?**

Answer: One key criterion for participation is that you must be impacted by the project. To participate as an Indigenous monitor, you will need to be connected to an employer or to an Indigenous community. With your situation, 2023 NGTL will have the bigger impact, so work with the business or community organization that can represent members from your community.

- 2) Do the teams move around or is there a local area where the monitoring takes place?**

Answer: Monitoring can take place in areas noted in the map on all of the projects that have been approved. However, we try to ask for monitors who represent the area closest to the actual projects.

- 3) So there may be a need for teams to travel?**

Answer: Yes, monitoring work would involve some travel.

- 4) How many monitors are involved in this?**

Answer: Most businesses find it effective to employ two to three monitors, but it depends on the monitors, because some monitors have other work. The number will vary based on what works for each community.

- 5) Is the work part-time?**

Answer: Yes, the work is part time.

- 6) What is the timeline for the involvement? Does it also include construction and operations?**

Answer: Yes, participation of Indigenous monitors includes operation of the pipeline. However, participation during operations is much more periodic than through construction. Operations does not have the same frequency of field inspections.

- 7) What is the salary of Indigenous monitors?**

Answer: The CER provides guidance around payment for Indigenous monitors. However, each employer/contract Vendor is different and may pay their monitors differently. It is up to the Vendor and represented community to decide how much monitors are paid.

- 8) Is there a chance for band members to have their consultation managers and advisors or other members who may have experience to be involved in monitoring?**

Answer: Yes, it may be a good fit for community members in some roles to also participate as Indigenous monitors, because it is part-time work. Another consideration for individuals who wish to do part-time work, is the need to ensure that the work does not conflict with work agreements that have already signed for other work. For



example, you must ensure that there is no conflict with work you are already doing within the Nation itself.

**9) How do you become an inspection officer?**

Answer: Inspection officer is a position within the CER. They are CER staff. CER inspection officers partner with Indigenous monitors to form the inspection team.

**10) What training do inspection officers have?**

Answer: CER inspection officers have a range of backgrounds and specializations. For example, some might be specialists in fish or birds. To become an inspection officer, there is a CER inspection officer designation program. The designation falls under the CER Act. In addition to classroom training, designation requires participating in a number of inspections with a mentor and an exam.

**11) Is there a deadline for the Request for Information?**

Answer: Yes, November 23, 2021.

**12) Within the Request for Information, in appendix A, question A-5, do you want to know the years of experience for the monitors or just a checkmark?**

Answer: It is not necessary to include the number of years, just a check box in that part of the RFI is fine. Each monitor may be different. However, there is space provided at the end of the RFI that gives you space to add more information.

Section 1.1 of the RFI provides a brief overview of the requirements for monitors and their experience.

**13) Within the Request for Information, in appendix A, question A-1, is this a place for NGTL 2023, or not?**

Answer: Under the last item, "Other," please write Westpath 2023.

**14) It might be a bit confusing, on the section we were filling in for qualification, 1.1 (b) Ensure IMs have required training and certifications... This is safety training, right?**

Answer: Yes, it is Occupational Health and Safety (OHS) training and a couple days of CER-provided training. There isn't a certification for Indigenous monitoring.

**15) What is the timing around the OHS training?**

Answer: The OHS training needs to be completed before the monitor can participate in any inspections.

The training that was required for Indigenous Monitors in Phase I was included in the Request for Proposals for Phase I of the NGTL IM program. This list of training is shown below.

**REQUIRED - TRAINING AND CERTIFICATIONS**

- Standard First Aid: Level C with CPR/AED
- H2S Alive
- Pipeline Construction Safety Training (PCST)
- Globally Harmonized System for the Classification of Labelling of Chemicals (GHS) (aka WHIMIS)
- Bear Awareness Safety Course
- Driver's Licence



- CER Organized Training:
  - Training Modules (subject to change):
  - Indigenous Monitor Job Description
  - CER inspection workflow
  - NGTL 2021 Condition Requirements
  - NGTL 2021 Environmental Protection Plan
  - Issue Management Process
  - Note taking and reporting
- Pipeline company orientation (online)
- Construction contractor orientation (before start of first inspection)

**16) Dale – Are you accepting any companies, such as companies who have environmental experience?**

Answer: – Companies must be eligible under the Procurement Strategy for Indigenous Business (PSIB), previously known as the Procurement Strategy for Aboriginal Business. That is, they must be an Indigenous business, with 51% Indigenous ownership. This RFP is open to Indigenous companies only.

**17) What are the timelines for this?**

Answer: The RFI is due November 23, 2021. CER aims to issue the RFP in mid-December. There will be 5-6 weeks to submit a proposal/response to the RFP, appreciating this time falls over the holidays. This makes the proposal due end of January

**18) Is there a minimum or maximum number of IMs?**

Answer: No.

**19) If there are a lack of proposals will you extend?**

Answer: We hope this will not be the situation as we would like to have signed agreements in place by spring for IM training prior to the construction season; therefore, following this timeline is important. We would extend it if required. If you have trouble meeting the deadlines, contact Fran. All questions regarding the RFI and RFP should be sent to Fran at [Fran.Todd@cer-rec.gc.ca](mailto:Fran.Todd@cer-rec.gc.ca)

**20) Will bidders be given information if their Request for Proposal is declined?**

Answer: Anyone who submits a bid has a right to have a meeting with the CER to discuss their bid, and evaluation of it, to better understand why their bid did not qualify.

**CER Indigenous Monitoring Program for NGTL Phase II, Information Session 2  
4 November 2021**

**Questions and Answers**

**1) How were the 6 communities selected for initial phase one monitoring program?**

Answer: CER worked with Indigenous groups and companies that had previous experience working with the CER. Groups involved were Alexander First Nation, Montana First Nation, Sucker Cree First Nation, Ermineskin Cree Nation, *Métis* Nation of Alberta (represented by several businesses), Lac Ste Anne *Métis*. The Goal of Phase I was to have monitors on the ground quickly so they could participate in all CER safety and environment inspections for NGTL 2021.



- 2) Will this monitoring program be for the whole NGTL System or just related to the projects that undergo a hearing? Will it apply to NGTL projects that were approved without a hearing? Also, is the training for the monitors covered by the CER?**

Answer: IM program and funding will apply to the whole NGTL System. The majority of inspections take place during construction of new projects, as construction is considered to be a higher risk activity, but inspections could take place at any NGTL facility and during any part of the lifecycle.

- 3) Will funding be available to vendors up front to support the monitors or will it be a receipt-based funding process?**

Answer: Training is covered by the CER. Funding for training is provided through contracts that are signed through the Request for Proposal process. Most of the funding is provided on a receipt-based process, e.g., things like travel expenses will be reimbursed. Typically, there is a flat fee paid for the training programs required at the start of the program.

- 4) If companies or individuals have participated in past monitoring programs for other projects or worked for company programs, would this be seen as a conflict of interest?**

Answer: As part of the Request for Proposal process, vendors agree to disclose potential conflicts of interest. Participants in the CER program are required to disclose work on all NGTL projects, not non-NGTL projects, to avoid a conflict of interest. There is potential for bias if working for both the CER and NGTL. If aware of the conflict of interest, the CER may be able to manage it, for example, by not assigning a monitor that works for both parties to the same work section.

- 5) How much administrative work is typically required for supporting the Indigenous monitors? Is the band doing the invoicing or is the cheque going to the individual directly?**

Answer: There is a fair amount of admin work required. Admin coordinators support with logistics, e.g., booking travel, writing monitoring reports, tracking mileage, collecting receipts, etc. CER and the IM contractor companies can provide guidance on task requirements.

### **CER Indigenous Monitoring Program for NGTL Phase II, Information Session 3 9 November 2021**

#### **Questions and Answers**

- 6) Will you be emailing the presentation to us later for reference later?**

Answer:

Will be available to all participants in these information sessions, including sessions 1, 2 and 3.

- 7) Are training costs covered by CER? Or just included in the RFP budget?**

Answer:

Training costs are covered by CER. Costs for required training (safety courses and contractor-organized training) is to be submitted as part your RFP response. You'll need to cost out training employees. Additionally, the CER will put on training including travel allowance if travel is required.

- 8) Given NGTL West Path Expansion 2023 will not start construction until 2023, when is it best to start applying?**



Answer:

Submit the response to the RFI now. Submit so we know you are interested in the program as we prepare the request for proposal.

**9) What is the time commitment for these contracts? Is this part-time work?**

Answer:

Yes, these are part-time positions. People who have other part-time work will be good fits for these positions.

**10) As a regulator, do you work with the prime contractors, if your nation is working with TC Energy, can we engage directly with TC Energy? How separate do you need to be? What is conflict of interest?**

Answer:

This is very common. We expect and encourage Indigenous communities to be engaged with the pipeline companies throughout the lifecycle of pipeline projects. And the reality is that many of the people who are engaged by the pipeline companies are best positioned in their communities to participate in the CER's Indigenous Monitoring programs.

For participation in the CER's IM Programs, we expect our IM Partners (contractors) to disclose potential conflicts of interests (e.g. any business dealings that the contractors have with the pipeline companies) and to propose mitigations. The CER wants to mitigate conflict of interests, and needs to be aware of potential conflicts of interest in order to mitigate the conflicts.

**6) Will there be industry recommended practices and procedures written as projects go for future monitors to follow and to refine such as hazard ID's, environment concerns and effects before and after, habitat effects, carbon imprint?**

Answer: The CER has existing processes that are well defined for hazard IDs and environmental concerns, and we have newer processes for Indigenous Monitoring that are updated often as we do more of this work. We want to incorporate more traditional best practices from our IM Partners into these processes.

**7) If communities are impacted by more than one project, can you check off more than one check box?**

Answer: Absolutely check off more than one box

**8) Can you email Fran Todd, if have questions about form?**

Answer: Absolutely. She would be happy to answer questions.

**9) If we have more experience than choices on the form, should we indicate so?**

Answer: Please indicate on form, in the Additional Information box.

**10. Seeking an Indigenous 'business' to provide Indigenous Monitoring Services – on behalf of an Indigenous Nation and its communities is interesting. Business is business and Indigenous knowledge is not a business. To ask an individual to share Indigenous (traditional/cultural) knowledge with a Canadian Regulator is a lot to ask! Are they representative of the Nation and communities? Are they recognized**



**by the Nation/or the community? I would think that is by far more valuable than whether or not they have First Aid training and other industry certification. Does CER recognize monitors who are working with their Nation?**

Answer: Phase II of the NGTL IM Program is one of several engagement programs that reach out to Nations for information sharing and potential involvement in oversight. Other programs include the CER's engagement efforts, Crown Consultation, and the pipeline companies' engagement programs.

For these contracts, we have experience working with many Indigenous businesses across several projects. Thus far, all of the Indigenous businesses working with the CER do represent their communities in some regard. Many of the businesses are owned by the Nation or community directly, and others have agreements with the communities to represent their economic interests, for example. The firm requirements for the RFP (which will follow after the RFI submissions) are not set yet. These types of comments would be great content for the "Additional Information" in your RFI response. The CER will use the RFI responses to inform the RFP requirements.

**11) What are examples of Insurance Requirements can you provide a few examples?**

Answer: The main types of insurance requirements for the existing contracts are: Workers Compensation, General Commercial Liability, and Errors and Omissions Liability Insurance. The requirements for these Phase II contracts may change slightly. Those who do sign contracts with the CER will need to contact their Insurance company and ask for a certificate of insurance that meets the requirements which will be clearly stated in an annex to the contract.

**12) In our area, where < 15 km of NGTL work is expected, how much inspection work is realistic?**

Answer: how much work per contract depends on how communities express interest. We will know more after the responses to the RFI are in.

**13) Is program, going to be expanded to other pipelines beyond NGTL?**

Answer:

In current discussion at CER. This specific process is for oversight of NGTL only, at this point.

**14) Can you remind us what the timelines are for this process?**

Answer:

Due date for RFI responses is Nov 23

Will take a week to review RFI, and are targeting release of the request for proposals (RFP) in mid-December.

RFP responses will be due end of January 2022.

Contracts to be in place by March 2022.

