



**TRANSPARENCY
INTERNATIONAL
CANADA**

77 Bloor Street West, Suite 1600
c/o Maytree Foundation
Toronto, Ontario, M5S 1M2
t: 416.488.3939
e: ti-can@transparencycanada.ca
transparencycanada.ca

REQUEST FOR PROPOSAL

**MINING FOR SUSTAINABLE DEVELOPMENT (M4SD) PROJECT
Phase II**

Assessing the Transparency and Corruption Risks in the Mining Permit and Licence Processes in British Columbia, Ontario and Quebec

Issue Date: 16.01.2019

Closing Date: 12.02.2019
(11 pm EST)

All enquiries related to this Request for Proposal (RFP), including any requests for information and clarification, are to be directed, in writing, to the following person before 01.02.2019. Information obtained from any other source is not official and should not be relied upon.

Contact Person

Deniz Yaylaci
Project Manager
deniz.yaylaci@transparencycanada.ca

Delivery of Proposals

Please; submit proposals by e-mail to ti-can@transparencycanada.ca
("TI Canada M4SD RFP" should be written in e-mail subject line)

Table of Contents

Background	1
1. The Mining for Sustainable Development Project	1
1.1. Project Description	1
1.2. Project Objectives.....	1
1.3. Project Scope	2
2. Definitions.....	3
3. Reference documents and links.....	4
Statement of Work	5
4. Scope of Work.....	5
4.1. Tasks and Responsibilities	5
4.2. Requirements and Qualifications	7
4.3. Milestones	8
4.4. Location of Work	9
Terms and Conditions	10
5. Payment Schedule	10
6. Proposal for Applying.....	10
7. Miscellaneous	11
7.1. Using a Sub-contractor	11
7.2. Ownership of Proposals, Project Work, Data and Products	11
7.3. Collection and Use of Data and Information	11

Background

Transparency International Canada (TI Canada), a registered non-profit organization, is Canada's leading anti-corruption organization and part of the global Transparency International (TI) movement. TI Canada aims to combat corruption by promoting stronger government legislation, increased accountability, and improve the public's understanding of transparency needs through research, advocacy and education programs. TI Canada is operated by a volunteer board and relies on donations from supporters and project grants to continue its work.

1. The Mining for Sustainable Development Project

The Mining for Sustainable Development (M4SD) Project is part of Transparency International's global M4SD Program. TI Australia runs the program, which is implemented in 20 resource-rich countries by Transparency International (TI) chapters. The objective of the program is enhancing transparency and accountability in the award of mining-related permits, licences and contracts, which will improve the contribution of mining to sustainable social and economic development. The global program is funded by BHP Foundation.

1.1. Project Description

TI Canada is responsible for planning and managing the M4SD Project in Canada. The M4SD Project is implemented in phases. Phase I, completed as a pilot study in 2017, identified vulnerabilities and associated corruption risks in the permit and licence processes in Ontario's mine closure agreements. The study found two main risks in the process:

- Negotiations with the Indigenous Communities can be manipulated.
- Steps in the awarding process might not be publicly knowable.

The second phase of the project, which runs from June 2018 until November 2020, extends the risk assessment to British Columbia, Ontario and Quebec. The overall objective of the project is enhancing mining's role in sustainable development at the local and national level by minimizing corruption risks in the early stage of mining permit and licence processes in Canada.

1.2. Project Objectives

The overall objective of the project is enhancing mining's role in sustainable development at the local, provincial, and national levels by minimizing vulnerabilities that might lead to corruption in the mining permitting and licensing processes in Canada.

The specific objectives of Phase II are:

- Objective 1: Systematic evaluation of vulnerabilities and associated corruption risks in the mining licensing and permitting processes¹ in the context of the three selected Canadian jurisdictions, as well as national and global trends.
- Objective 2: Enhancement of provincial and federal legislation by highlighting necessary improvements to avoid corruption risks associated with the mining licensing and permitting processes.
- Objective 3: Development and implementation of an advocacy action plan for exchanging good practices, influencing behaviour change and building trust among actors.

1.3. Project Scope

The scope of the project is to identify the vulnerabilities and to assess corruption risks in the early stage mining permit and licence processes in British Columbia, Ontario and Quebec.

Activities in Scope	Activities Out of Scope
Analyzing a specific mining phase to assess the corruption vulnerabilities in the mining permit and licence process	Assessing the licence and permitting for whole mine life cycle from cradle to grave
Considering national and selected jurisdictional mining permit and licence legislation in Canada	Analyzing any specific corruption, transparency, health and safety related incidents and claims
Analyzing the selected mining permit and licence process in the chosen jurisdictions based on data obtained from desk research, field studies and stakeholder engagement	Performing risk assessment concerning the legislation, standards, or frameworks other than official Canadian federal or provincial legislation
Using the Mining Awards and Corruption Risk Assessment (MACRA) Tool and methodology for performing risk analysis	Application of the MACRA tool to local (regional, municipal, indigenous community specific) legislations unless a provincial process refers to one
Comparing the challenges and opportunities in three jurisdictions	Consideration of mining supply chain
Sharing only evidence-informed findings	Performing economic and financial impact analysis of discussed and proposed options related to changes in the legislation

¹ The selection of the specific permit/licence process will be finalized by TI Canada before the first meeting in March 2019 (please see Section 4.1. for more detail about the first meeting in March 2019)

Activities in Scope	Activities Out of Scope
Discussing legislative, policy, and procedural changes to improve transparency and minimize associated corruption risks	The sectoral principles defined by organizations like ICMM, MAC and legislation other than Canadian federal and selected jurisdictional mining licence and permit legislation
Developing a consensus-based plan to engage stakeholders across sectors, which will reduce corruption vulnerabilities by enhancing transparency and accountability in mining permit and licence processes	Performing investigations of specific allegations of corruption in any sector

2. Definitions

Throughout this Request for Proposal (RFP), the following definitions apply:

“Contract” means the written agreement resulting from this RFP executed by TI Canada and the JRT.

“Jurisdictional Research Team (JRT)” means the successful Proponent(s) to this RFP who enters into a written agreement with TI Canada (one Proponent may conduct research on multiple jurisdictions, or a Proponent may be a team of individuals).

“Indigenous communities” means First Nations, Métis, or Inuit communities in Canada.

“MACRA Tool” means the Mining Awards and Corruption Risk Assessment Tool, developed for TI. Its key elements are: 1) collecting information about the process in theory and practice; 2) identifying vulnerabilities; 3) assessing the likelihood and impact of the identified risks; 4) validate findings and prioritizing risks.

“Mining industry” includes the individuals and organizations, exploring and extracting the minerals and metals as well as their activities, including exploration, exploitation, reclamation and mine closure, and excluding the oil sand, only process, refinery and metallurgical activities, oil, gas, quarry and aggregate operations.

“Proponent” means an individual or a company that submits a proposal in response to this RFP.

“**Project Provinces**” refers to the Provinces of British Columbia, Ontario, and Quebec.

“**Project team**” means

- The Executive Director (ED): The ED of TI Canada is responsible for providing oversight and strategic guidance
- The Project Manager (PM): The PM is responsible for the execution of the project and obtaining the project deliverables as it is described in the project management plan.
- The Project Assistant (PA): The PA assists the PM on executing the project activities by providing technical and administrative support.
- Jurisdictional Research Teams (JRT)
- The Advisory Committee (AC): The AC is a voluntary group of individuals with experience and expertise on the project focus. The AC is responsible for supporting the PM to achieve the project objectives by providing strategic guidance.

“**Stakeholders**” means individuals (the Indigenous and non-Indigenous local communities) and organizations (public, private, academia and civil society) in direct or indirect interaction with the mining industry in the project provinces.

3. Reference documents and links

- [TI Canada Website](http://www.transparencycanada.ca)

www.transparencycanada.ca

- [Phase I M4SD Report](http://www.transparencycanada.ca/tica-project/mining-for-sustainable-development/)

www.transparencycanada.ca/tica-project/mining-for-sustainable-development/

- [MACRA Tool](http://transparency.org.au/our-work/mining-for-sustainable-development/macra/)

<http://transparency.org.au/our-work/mining-for-sustainable-development/macra/>

- [Global M4SD Project](http://transparency.org.au/our-work/mining-for-sustainable-development/combating-corruption-mining-approvals-global-report/)

transparency.org.au/our-work/mining-for-sustainable-development/combating-corruption-mining-approvals-global-report/

Statement of Work

TI Canada is seeking experienced JRT(s) for its Mining for Sustainable Development (M4SD) Project to assess vulnerabilities that can potentially create corruption risk in the mining permitting and licensing processes. The work will be performed in the project provinces. JRTs will report to the PM and work closely with JRTs from other provinces. Travel within Ontario, British Columbia, and Quebec is required. Some national travel is also required.

4. Scope of Work

The successful JRT(s) will undertake a systematic assessment of a selected mining permit/licence process with respect to transparency and accountability criteria as well as the associated corruption risk with the MACRA tool. The assessment of the chosen mining permit/licence process is conducted in the project provinces, and each Proponent can submit their proposals for one to three project provinces.

4.1. Tasks and Responsibilities

Action Plan

Proponents must submit a draft action plan as a part of this RFP. This includes the proposal for the research methodology as well as when and where the field research will be held. Listing the potential field research regions, local communities and key stakeholders, discussing the project risks and mitigation actions, and including a draft budget and the suggested methods to perform the research and workshops effectively in the project provinces should be discussed in the draft plan.

Training and Team Meetings

The key expert(s) and/or the team leader of each JRT must participate in a two-day workshop in the first week of March 2019 in Toronto. Introduction of the MACRA tool and mandatory anti-corruption training will be given by TI Canada.

Additionally, at the March workshop, the JRT of each project province will meet and share their draft action plans, list of key stakeholders, and project risks and mitigation plans. As a result, the final research methodology, transparency and accountability criteria, qualitative and quantitative assessment methods of the vulnerability analysis will be discussed and agreed in this meeting.

Two one-day team meetings will be organized in Toronto during the course of the project to share the experience in the ongoing research, update the risk and mitigation plans, present the completed project work, evaluate and compare the preliminary results from each project province.

JRTs will cover their travel and accommodation expenses with their remuneration. There will be no additional reimbursements to attend these meetings.

Research

Each JRT will conduct both desk and field research in the contracted project province(s). The research will include collecting data on a selected provincial licence or permit process based on available information as well as data on how the permit or licence works in practice from desk research, and surveys and interviews stakeholders including government officials, local communities, industry, and civil society. The field research methodology, determined in the first team meeting in March 2019, will be used by each JRT.

Each JRT will be responsible for all planning, organization and implementation of four (4) field research activities in the project province. The JRT will be responsible for obtaining the permits (if necessary) and appointments to conduct the field research, as well as to communicate with and ensure the participation of the local communities, civil society, and the public and private sector representatives.

Each JRT will be responsible for ensuring a fair and equal representation in all research activities (including but not limited, surveys, interviews, engagement meetings etc.) with considerations of gender, the Indigenous and non-Indigenous communities, industry, public sector and civil society

Field research work expenses will be covered separately up to \$4,350 per field research in different locations. A preliminary budget for proposed specific locations should be provided as a part of the action plan.

Workshops

Each JRT will be responsible for planning and organizing three (3) stakeholder engagement and consultation events in their respective project province. The goal of these meetings is to verify research outcomes, to increase the project visibility, and to build/strengthen the communication, and network with the provincial stakeholders.

Each JRT will be responsible for ensuring a fair and equal representation of gender, Indigenous and non-Indigenous communities, industry, public sector, and civil society in all workshops, including but not limited to focus groups, consultation and engagement meetings etc.

Workshop expenses will be covered separately up to \$4,000 per workshop mainly in locations where the exposure to the mining industry activities is high. A preliminary budget for proposed specific locations should be provided as a part of the action plan.

Progress Reports

Each JRT is required to submit three (3) progress reports to the PM according to the project schedule. The reports should explain which activities are conducted during the term, as well as issues, barriers and how these will be managed in the next term. It may also include recommendations for improvement for the following term's activities.

Annual stakeholder relation and visibility events

Each JRT will be responsible for attending one stakeholder relation and visibility event during their contract period. These meetings will be planned and coordinated by the PM and JRTs will support the PM in terms of developing the technical content, being key not speaker/panelist etc. depending on the event format as well as sharing the event within their network to increase the visibility and participation. The JRT is also expected to achieve high visibility of the project in each project province via local media, social media and networking approaches.

These events are critical for TI Canada to initiate and perform the advocacy plan effectively after completion of the work, defined in the RFP.

The associated expenses of JRTs to attend these events will be covered separately. The man hour costs related with these events are within JRTs remuneration.

Research Report

The research report is the final integrated research document, prepared by each JRT. These reports involve background information about the province, explanation of the research methodology, presentation of desk research and the data collected with the field research and stakeholder engagement activities, analysis of the permitting and licensing processes in the studied province, recommendations, and conclusions. The content and outline of the report will be determined with JRT's contributions and suggestions.

4.2. Requirements and Qualifications

Requirements

- i. Extensive experience in the mining permitting and licensing processes and regulations in the project provinces as well as familiarity with the federal legislation.
- ii. Expert level knowledge and proven experience in at least one of the following fields in one of the project jurisdictions:
 - Environmental assessment (EIA) legislation and implementation
 - Mining lease, surface rights and mining claim; mineral tenure agreements and processes
 - Reclamation and mine closure plans
 - Impact and benefit agreements
 - Social impact assessment

- Cumulative impact assessment
 - Stakeholder engagement and consultation (specifically with the Indigenous communities and mining-impacted/exposed communities in rural areas)
 - Mine permit and licence legislations, conflict resolution, and risk assessment/management
- iii. Proven experience in stakeholder engagement and consultation, specifically with the Indigenous communities, and communities in rural areas of the project provinces.
 - iv. Demonstrated experience in mining industry operations and specific knowledge in permitting, governmental and community relations is highly desirable.
 - v. Professional network of contacts related to the scope of the work and listed subjects in item (ii) is highly desirable.
 - vi. Fluency in English and French is necessary for the Quebec Proponent. The Proponent is responsible for translating the required documents and materials from/to English and French while performing the project activities in Quebec, and to manage the communication between TI Canada and the relevant stakeholders when needed.
 - vii. Academic background and experience in literature review, qualitative and quantitative research methods is required.
 - viii. Experience in statistical and spatial analysis by using relevant software, such as SPSS, GIS, is required. The proponent is responsible for access to such software (licenced or open source) for conducting any analysis when needed.
 - ix. Previous demonstrated experience in stakeholder relationship management or influencing change to increase business transparency and accountability is desirable.
 - x. Experience working with the non-profit sector and/or governments is desirable.
 - xi. Strong understanding of accountability, transparency, and anti-corruption in Canada and in particular the mining sector.
 - xii. Knowledge of TI Canada and TI global movement is desirable.

4.3. Milestones

Proponents are responsible for completing/delivering the below-listed milestones on time and completely.

Milestones	Delivery Date (by) (subject to revision based on the final jurisdictional action plan)	Delivery Method
Participating MACRA tool and anti-corruption training and team building event in Toronto	The first week of March 2019	In person, attendance list
Participating JRT meetings in Toronto	30/09/2019 and 30/01/2020	In person, attendance list

Milestones	Delivery Date (by) (subject to revision based on the final jurisdictional action plan)	Delivery Method
Developing the jurisdictional action plan	30/03/2019	Electronic Document
Delivering the research progress reports	The first week of June and October 2019, February 2020	Electronic Document
The annual stakeholder relation and project visibility events	30/04/2019 and 30/03/2020	Electronic Document and visuals from the events
The field research (4 field studies in mining communities per jurisdiction)	30/05/2019, 30/07/2019, 30/09/2019 and 30/01/2020	Electronic document, contact & attendance lists, visuals from the events
The stakeholder workshops (3 focus group and engagement events per jurisdiction)	30/05/2019, 30/09/2019 and 30/01/2020	Electronic document, contact lists & attendance lists, visuals from the events

4.4. Location of Work

The activities will be performed in three project provinces, which are British Columbia, Ontario, and Quebec.

Terms and Conditions

5. Payment Schedule

All the monetary information, given in this document, are in Canadian dollars. All the payments are inclusive of all applicable taxes.

The dates given below may change depending on the final action plan details that will be developed by JRTs in the first team meeting in March 2019.

Remuneration per province: \$52,500

- 1st payment: 20% of remuneration (\$10,500.00) at the contract signature – latest by February 28, 2019.
- 2nd payment: 15 % of remuneration (\$7,875.00) after completion of the first field research and stakeholder engagement workshop by May 30, 2019.
- 3rd payment: 15 % of remuneration (\$7,875.00) after completion of the second field research by July 30, 2019.
- 4th payment: 15 % of remuneration (\$7,875.00) after completion of third field research and second stakeholder engagement workshop by October 30, 2019, and after submitting the progress report.
- 5th payment: 35 % of remuneration (\$18,375.00) after receiving and approval of the final provincial research report latest by April 30, 2020.

6. Proposal for Applying

The deadline for submitting the application documents is **February 12, 2019 (11 am EST)**.

Proponents should send the following as a single document in pdf format:

- A cover page, including the name of the proponent, mail address, e-mail address, phone number, and name and title of the contact person.
- Draft Action Plan with a schedule and draft budget for the events explained in Section 4.1. (4 pages max): Clearly show how the tasks of the project will be addressed (as described in Section 4.1).
- Qualifications and Experience (2 pages max): Explaining how you meet the requirements and summary relevant qualifications and experience (as describe in Section 4.2).
- Supporting Documents: Resume of key expert(s) (2 pages/person max), with details of relevant experience, reference letters, and samples of previous research (publications, reports etc.).
- Please; submit proposals by e-mail to ti-can@transparencycanada.ca. “TI Canada M4SD RFP” should be written in e-mail subject line.

7. Miscellaneous

7.1. Using a Sub-contractor

Using a sub-contractor (who and for which tasks should be clearly identified in the action plan) is subject to approval by TI Canada. In the case of a joint submission by two proponents having no formal corporate links, one of the proponents must be prepared to take overall responsibility for the fulfilment of the Contract, and this should be clearly defined in the proposal. Where applicable, the names of approved sub-contractors listed in the proposal will be included in the Contract.

7.2. Ownership of Proposals, Project Work, Data and Products

- All proposals submitted become the property of TI Canada. They will be received and held in confidentiality.
- TI Canada is the only owner of the information, data, conducted research outcomes and reports that are obtained as a result of the activities, described in the RFP.
- Proponents cannot publish or use the collected data/information, part of the data/information or the results obtained as a result of the activities, described in the RFP and paid by TI Canada without the written approval of TI Canada.
- TI Canada can and will use the data, information and results of the analysis and activities described in the RFP for any purpose without obtaining any consent of the JRTs.

7.3. Collection and Use of Data and Information

- Proponents are solely responsible for ensuring that they comply with the laws applicable to the collection and dissemination of information, including resumes and other personal information concerning their employees and employees of any sub-contractors. Proponents will ensure that they have obtained written consent from each of those employees before forwarding such personal information to TI Canada.
- JRTs are responsible for ensuring that they comply with the laws applicable to the collection, storing and dissemination of information obtained during the activities described in the RFP.
- JRTs are responsible for protecting the sensitive and private information of the stakeholders that are obtained as a result of conducting the activities described in the RFP.

7.4. Contracting Timeline

- February 12, 2019 – Deadline for applications
- February 18, 2019 – Announcing the short-listed proponents
- February 22, 2019 – Phone interview with the short-listed proponents
- February 26, 2019 – Contract signature
- March 6, 2019 – Contract starts