

REQUEST FOR PROPOSALS

***Taking Stock:
North American Pollutant Releases and Transfers,
Volume 15***

for the
North American PRTR Project



Commission for Environmental Cooperation

2016

I. Overview

The Commission for Environmental Cooperation (CEC) is requesting proposals from prospective consultants related to the development of *Taking Stock*, volume 15, the latest in the CEC's series of *Taking Stock* reports tracking pollutant releases and transfers reported by industrial facilities to the three North American pollutant release and transfer registers (PRTRs). Specifically, the Consultant would be expected to undertake research and assist with the presentation and analysis of PRTR data and other information relating to the North American mining sector.

The CEC is an intergovernmental organization created by Canada, the United States and Mexico under the North American Agreement on Environmental Cooperation (NAAEC). The CEC was established to address regional environmental concerns, help prevent potential trade and environmental conflicts, and promote the effective enforcement of environmental law. The Agreement complements the environmental provisions of the North American Free Trade Agreement (NAFTA).

The North American PRTR Project has been a core initiative of the CEC for over 20 years. It compiles and disseminates PRTR data reported by facilities to Canada's National Pollutant Release Inventory (NPRI), Mexico's *Registro de Emisiones y Transferencias de Contaminantes* (RETC), and the United States' Toxics Release Inventory (TRI). Efforts are focused on adding value to the data through their integration, analysis and dissemination via the *Taking Stock* report and the *Taking Stock* Online website that features a searchable PRTR database and tools ([takingstockonline](http://takingstockonline.org)), allowing users to compare and analyze North American pollutant releases and transfers. For a complete description of the project, please visit the CEC website at: www.cec.org.

II. Terms of Reference

A. Overview and Scope

This Request for Proposals (RFP) supports the implementation of the trilateral initiative under the CEC's 2015–2016 Operational Plan, entitled "Tracking Pollutant Releases and Transfers in North America" (also known as the North American PRTR Project). The work to be undertaken involves the compilation, analysis, and presentation of information relating to the North American mining sector, for the special focus section in the next *Taking Stock* report. This will include a presentation of the mining industry in North America, as well as analyses of PRTR data and related information reported by facilities in this sector for the year 2013 (the latest data available from all three PRTR programs). As per the report outline provided in Annex 2, the objectives of this work are to:

- Provide a description of the North American mining sector's activities, associated pollutants and environmental issues
- Provide a presentation and analyses of pollutant releases and transfers reported by the mining sector
- Identify gaps in North American data resulting from differences among national PRTR reporting requirements and/or incomplete reporting
- Provide examples of environmental sustainability efforts undertaken within the industry.

Where pertinent, other sources of data and information could be used to supplement the PRTR data in *Taking Stock*. The content of the report, and the manner in which the information is presented, should assist all stakeholders (national, state, and provincial governments, industry, nongovernmental organizations and citizens) to better understand the sources and handling of industrial releases in North America in order to facilitate pollution prevention and management initiatives. It is therefore recommended that the Consultant become familiar with the presentation of data and the style of writing used in the report. Past editions (and especially, volumes 13 and 14) of *Taking Stock* can be accessed through the CEC's virtual library (www3.cec.org/islandora/en).

B. Description of Services

The Consultant will conduct research to support a profile of the North American mining industry in the *Taking Stock* report and, in close collaboration with the CEC, participate in the compilation, review, analysis, and presentation of trinational PRTR data on releases and transfers reported by that sector. The specific tasks to be undertaken are as follows:

1. Prepare a draft text, including suggestions for maps or graphics, for Chapter 2 (background information on the North American mining sector), including:
 - Geographic and economic presence of the sector
 - Processes and technologies
 - Pollutants and environmental issues associated with the sector (e.g., direct releases to air and water, mining tailings, acid mine drainage, legacy pollution)
 - Regulatory context (including national PRTR reporting requirements)
 - Examples of sector sustainability efforts.

It is expected that the scope of mining sector activities to be covered in this report will be broad, covering all reporting under relevant North American Industry Classification (NAICS) codes (i.e., all metallic and non-metallic mineral mining, excluding oil and gas). However, the CEC welcomes suggestions by prospective consultants in this regard.

2. Collaborate with the CEC on the compilation, review, and analysis of data and synthesis of findings, including suggestions for maps or graphics, for Chapter 3 (analyses of data from the North American mining sector), including:
 - Scope and methodology for the analyses
 - Presentation of data by country, sub-sector, facility, and pollutant—with emphasis on those releases or transfers associated with environmental impacts
 - Analysis of data in the context of differences in national PRTR reporting requirements, e.g.:
 - o Inconsistent industry (NAICS code) assignments
 - o Reporting requirements for pollutants
 - o Coverage of specific sub-sectors or activities
 - Incorporation of other data and information, where relevant
 - Analysis and discussion of significant gaps in reporting and their impacts on our understanding of mining activities in North America.

The data will be provided by the CEC and will also be made available via *Taking Stock* Online. It is expected that other data and related reports and documents will also be used. Throughout the project, the Consultant will work in close collaboration with the CEC to identify additional sources of information.

Project activities will take place according to the timetable presented below. (The timetable is approximate, and may change. The CEC invites prospective consultants to modify the schedule suggested below, based on their evaluation of the proposed project activities.)

Activity	Deliverable	Approximate Deadline
Kick-off meeting (via video or teleconference) with CEC to finalize the outline for the special focus chapters, work plan and approach	Reviewed and finalized <i>Taking Stock</i> report outline, work plan and approach	15 May 2016
Review PRTR data and related information provided by CEC, and identify additional information sources	Brief summary document with key information sources to be used	31 May 2016
Research and writing of draft Chapter 2 text, including maps or graphics	Chapter 2 – first draft	30 June 2016
With CEC, review and revise draft Chapter 2	Chapter 2 – final draft	15 August 2016
With CEC, compile, review, analyze PRTR data and related info; prepare text, tables, figures, graphics for draft Chapter 3	Chapter 3 – first draft	31 August 2016
With CEC, review and revise draft Chapter 3	Chapter 3 – final draft	15 September 2016
Editing and stakeholder review (draft Chapters 2 and 3)	Chapters 2 and 3 – final versions, all comments and suggestions considered	31 October 2016
With CEC, final review of whole report for consistency, omissions, errors, etc.	Full report – final draft ready to be sent for editing, translation and publication	15 November 2016

C. Periodic Reporting Requirements

Throughout the project, the Consultant will work in close collaboration with the CEC and experts to gather information to support delivery of the work. The Consultant may interact directly with government officials and other experts, as needed. However, the Consultant shall report only to, and receive direction only from, the CEC Program Manager (or designate).

The CEC Secretariat will arrange teleconferences with the Consultant, the Program Manager, and other experts on an as-needed basis at mutually agreeable times. The goal of these meetings will be to discuss progress on the project.

The Consultant will prepare short monthly status reports that summarize the following:

- progress in previous month;
- current status;
- anticipated progress in upcoming month;
- potential problems, with description of and reasons for any delays; and
- actions that should be taken by the CEC Secretariat to facilitate the project.

These reports are to be sent to the CEC Program Manager by the first week of the following month, by e-mail.

The Consultant will work in his or her own offices.

D. Quality of Deliverables

The Consultant is responsible for providing deliverables of **publishable quality** (i.e., copy-edited prior to submission) in English and, when applicable, for the technical editing of the materials. The Consultant will submit to the CEC Secretariat all written material (including complete drafts and final reports) in Microsoft Word, following the format of the CEC's Report Template and adhering to the precepts of the Guidelines for CEC Documents and Information Products, as supplemented by the CEC's English style guide (available at: <<http://www.cec.org/about-us/opportunities/useful-documents>>). As noted above, the Consultant should also become familiar with the data presentation and writing style used in the *Taking Stock* reports. Previous volumes can be access through the CEC virtual library.

Supporting documents for tables, figures and maps will be submitted with the report in their original file format (e.g., Excel or ArcGIS). Note that all amounts shall be presented in metric units. The CEC Secretariat will be responsible, when applicable, for translation, publication and distribution of products from this activity.

Upon delivery by the Consultant of a final version of the report or other written materials under the project, the CEC reserves the right to a 15-business day period to review the document(s), notify the Consultant of any potential issues or errors, and return the document(s) to the Consultant for appropriate corrections, at no extra cost. In all cases, contract payments will be withheld if products submitted to the CEC fail to fulfill the quality and formatting requirements specified above. In the event that the Consultant neglects to make the required corrections or if, following corrections, a deliverable remains unsatisfactory, the document shall be edited or revised by a third party designated by the Secretariat, the cost of which shall be deducted from the Consultant's fees at a rate of C\$60 per hour.

E. Plagiarism

Plagiarism is the act of conveying someone else's original expression or creative ideas as one's own and can be a violation of copyright law. Neither intentional nor unintentional plagiarism is acceptable to the CEC. The Consultant must follow good scholarly methodology in preparing reports and deliverables under the contract, including systematic referencing in footnotes or in-sentence references, for any secondary sources, quotations, data, etc., that do not originate with the author. Sources for tables and figures reproduced from other literature must be given in a "Source" attribution immediately below the table or figure. Failure to properly reference the source of such borrowed material constitutes plagiarism and will be considered a breach of contract. For further information, see Guidelines for CEC Documents and Information Products, <<http://www.cec.org/about-us/opportunities/useful-documents>>.

In addition, for every written deliverable submitted, the Consultant must use iThenticate software, or equivalent software approved by the Commission, to validate the written product in question and must forward the plagiarism review results to the CEC at the time of document submission. Contract payments will be retained if products do not fulfil these requirements.

III. Requirements and Proposal Evaluation

A. Mandatory Requirements

To be eligible for further consideration, all consultants must fulfill the following basic requirements.

1. In-country Ability

The Consultant, as well as all their personnel and sub-consultants, must reside and be authorized to work legally in Canada, Mexico or the United States of America. If travel is required, the Consultant must possess valid documentation to travel within these countries.

2. Key Personnel

For the purposes of this RFP, the term "consultant" may refer to either a group or company or a single individual.

If a proposal is submitted by a consortium of individuals or institutions, a "lead" consultant should be designated to take responsibility for ensuring overall coordination, the coherence of activity outputs, and the integration of information and ideas.

3. Qualifications Required

The Consultant and key support personnel must be qualified, competent and experienced in the subject area. The Consultant must demonstrate competency and documented experience with the reporting, tracking and analysis of PRTR data, and is expected to be familiar with the three North American PRTR programs and the CEC's *Taking Stock* Online database. The Consultant will also have in-depth knowledge of the North American mining sector, activities and processes.

The Consultant must be fluent in both written and spoken English; proficiency in Spanish and/or French is desirable.

4. Proposal Submission

It is the intention of the CEC Secretariat to include the **Terms of Reference (Section II)** of this document) in the contract negotiated with the successful applicant. Therefore, prospective consultants should refer to these for more detailed information on the project and the services to be provided. Prospective consultants are requested not to reiterate the Terms of Reference in their submissions, but are invited to suggest modifications to enhance the proposal.

Proposals must include the following:

- A brief statement of interest and intent. This statement should be based upon and serve to demonstrate the consultant's experience and subject knowledge. The statement should address desired results; guidelines (parameters within which results are to be accomplished); resources (human, financial, technical, or organizational support available to help accomplish the results); and other aspects deemed applicable by the consultant. The purpose of this statement is to demonstrate not only the consultant's general and specific familiarity with the subject area, but also to highlight writing skills;
- A general work plan for carrying out this project;
- Proposed methodology;
- Suggested modifications to the Terms of Reference, and the reasons for such modifications;
- Resumes of the key personnel involved in the project;

- Detailed cost breakdown, including number of person/days of key and other personnel, direct and indirect costs, travel costs and applicable taxes;
- Description of relevant experience and any other relevant information;
- Two samples of previous work;
- Two letters of recommendation from previous assignments; and
- List of no less than three references.

B. Other Information to be Provided

Potential consultants are encouraged to submit any additional information that they believe will assist the CEC Secretariat in the evaluation of their proposal. However, the proposal should not exceed six (6) pages, exclusive of applicant resumes, samples of previous work or corporate brochures.

C. Type of Contract to be Used for These Services

The CEC Secretariat intends to use its milestone-based contract for these services. A sample is available upon request. If the contract is negotiated with a consortium, the CEC will offer the consultants the option to have separate contracts between each consultant and the CEC.

All work within the contract must be completed by 15 November 2016.

D. Selection Procedure

The consultant deemed best qualified will be selected on the basis of a competitive process, in accordance with sections 2.5–2.7 of the CEC Consultant Services Procurement Manual, available at <<http://www.cec.org/about-us/opportunities/useful-documents>>.

Proposals that the CEC Secretariat determines to be complete will be evaluated according to the procedure described below. Prospective consultants who submit proposals determined by the CEC Secretariat to be incomplete will be so notified in writing.

Each complete proposal that is submitted will be evaluated by the CEC Secretariat according to the following criteria, with a point rating assigned for each:

Evaluation Criteria	Maximum Point Rating
Understanding of project requirements, adequacy of work plan	20
Suitability of the proposed approach	20
Consultant's experience and qualifications and competency of key personnel	40
Consultant's ability to analytically approach the subject, and writing ability	10
Adequacy of budget	10
	<i>Total</i> 100

A minimum score of 80 will be required for the prospective consultant's proposal to be eligible for further consideration. Cost efficiency will be taken into account in the evaluation.

Proposals in response to this request will be evaluated by the CEC Program Manager and designated technical reviewers, who will form an Evaluation Committee. Each member of the Evaluation Committee will receive a copy of the proposals and will be asked to rate each proposal using the evaluation criteria and its maximum point ratings given above.

The CEC Program Manager will arrange for a conference call/meeting among the members of the Evaluation Committee to discuss the ratings, arrive at final scores, and, subsequently, a ranking of all proposals. The strengths and weaknesses of each proposal, in terms of the evaluation criteria, will be noted and summarized. **Once the selection has been made, each prospective consultant will be provided with his/her score**—if requested—along with their comparative ranking. However, neither the evaluations nor the scores of other bidders will be provided.

E. Estimated Level of Resources Required

The budget for this activity is expected to range from C\$45,000 to C\$55,000 (Canadian dollars), including professional fees and expenses. Reimbursable expenses are detailed in the CEC standard contract, available upon request; in addition, the cost of using iThenticate software to detect plagiarism (US\$50) should also be considered.

For universities and nongovernmental organizations, note that the CEC accepts that overhead be charged for administration and other indirect costs up to 15% of the total value of the contract.

If a currency other than Canadian dollars is used, the consultant should indicate the total cost of the professional services in Canadian dollars as well as the currency of choice, for comparison purposes.

F. Basis of Payment Required

The Consultant will be paid based on the specific milestones to be detailed in the consultant's contract. Payment shall be made only for bona fide consultant fees and legitimate expenses incurred in accordance with the contract for professional services, and only upon receipt and documented acceptance by the Secretariat of statement(s) of account/invoice(s) from the Consultant. Settlement of invoices that are acceptable for payment will normally be made 30 days from the date of receipt by the Commission.

G. Financial and Other Confidential Information

For this proposal, the CEC Secretariat will not require the submission of any confidential information nor will the CEC Secretariat require information regarding insurance, bonding financial status, or company ownership.

H. Conflict of Interest

"Conflict of interest" means, but is not limited to, a situation where a consultant's personal interest is sufficiently connected with professional duties under the contract, such that it results in a reasonable apprehension that said personal interest may influence the exercise of professional responsibilities under the contract. For example, a direct conflict of interest exists when the Consultant is also a CEC government official, or is related to or closely affiliated with a CEC government official, CEC staff member or third party involved with the performance of the services.

The Consultant will inform the CEC Secretariat of any circumstance that existed prior to the execution of this contract, or that could manifest during the performance of this contract, which could constitute a conflict of interest. The Consultant will complete and sign, on behalf of all his or her personnel, the attached Declaration of Acceptance and Impartiality and Independence (see Annex 1). The Consultant will also take note of the CEC Consultant Services Procurement Manual, available at <<http://www.cec.org/about-us/opportunities/useful-documents>>.

I. Deadlines for Proposal Submission and Decision

The proposal, including all relevant attachments, must be received by the CEC Secretariat offices **by 17:00 EDT on 28 April 2016**. Proposals submitted after this deadline will not be considered.

Proposals must be submitted via e-mail to ocabrera@cec.org (c.c. nalliu@cec.org). Proposal format may be in Microsoft Word or Adobe PDF format. Once the proposal has been submitted electronically, the CEC will confirm receipt within three business days. If receipt is not confirmed by e-mail within this time, **applicants must contact the CEC**. The contact person is:

Orlando Cabrera-Rivera
Program Manager, Environmental Quality and Climate Change
Commission for Environmental Cooperation
393, rue St-Jacques Ouest, bureau 200
Montreal, QC, Canada H2Y 1N9
Tel: 514-350-4300; Fax: 514-350-4314

The CEC Secretariat intends to select the consultant and notify the applicants within a reasonable period of time following the proposal submission deadline.

ANNEX 1

CONSULTANT'S DECLARATION OF ACCEPTANCE AND IMPARTIALITY AND INDEPENDENCE FOR CONTRACT

I, the undersigned,

Last Name: _____ First Name: _____

ACCEPTANCE

☐

hereby declare that I accept to serve as consultant in the subject contract.

IMPARTIALITY AND INDEPENDENCE

(If you accept to serve as a consultant, please check one of the two following boxes. The choice of which box to check will be determined after you have taken into account, inter alia, whether there exists any past or present relationship, direct or indirect, with any of the Parties to the North American Agreement on Environmental Cooperation ("NAAEC") or their Commission for Environmental Cooperation ("CEC") representatives, Secretariat staff, and/or third parties involved in the performance of this contract, whether financial, professional, familial, or of another kind and whether the nature of any such relationship is such that disclosure is called for pursuant to the criteria set out below. Any doubt should be resolved in favor of disclosure.)

☐

I am impartial and independent with respect to the NAAEC Parties and their CEC representatives, CEC Secretariat staff, and third parties involved in the performance of this contract, and intend to remain so; to the best of my knowledge, there are no facts or circumstances, past or present that need be disclosed because they are likely to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest.

OR

☐

I am impartial and independent with respect to the NAAEC Parties and their CEC representatives, Secretariat staff, and/or third parties involved in the performance of this contract, and intend to remain so; **however**, I wish to call your attention to the following facts or circumstances which I hereafter disclose because they might be of such a nature as to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest. Where facts or circumstances exist that might give rise to the latter such doubts, I may set out measures I intend to take to mitigate or eliminate any doubts regarding my impartiality and independence, and/or a possible conflict of interest. (Use separate sheet and attach.)

Date: _____

Signature: _____

ANNEX 2

TAKING STOCK, Volume 15 Draft Report Outline

Chapter 1 Pollutant Releases and Transfers Reported across North America, 2013

- 1.1 Overview of North American PRTRs (and key differences in reporting requirements)
- 1.2 Overview of data for North America, by country (total amounts, number of facilities, pollutants), and by type of release and transfer.

Chapter 2 The North American Mining Sector

- 2.1 Geographic and Economic Presence
- 2.2 Processes and Technologies (depending on the scope)
 - Pollutants Associated with the Mining Sector
- 2.3 Regulatory Context (including national PRTR reporting requirements)
- 2.4 Sector Sustainability Efforts (examples)

Chapter 3 Releases and Transfers from the North American Mining Sector, 2013

- 3.1 Scope and Methodology (NAICS codes selected, etc.)
- 3.2 Overview of data for North America, and by country (amounts; # of facilities, pollutants)
 - Releases to air, water, etc.: for NA and by country
 - Other data “slices” (depending on the scope)
 - Facility comments (e.g., pollution prevention), where available
- 3.3 Understanding Releases and Transfers from the Mining Sector in the Context of North American PRTR Comparability - key issues relating to:
 - Inconsistent NAICS codes assignments (representing a facility’s total activities)
 - Reporting requirements for concentrations in ore
 - Coverage of mining sub-sectors (e.g., iron ore)
 - Coverage of sector activities (e.g., tailings and waste rock)
 - Differences in definitions, terminology (e.g., “on-site disposal”)
 - Etc.