

Public Procurement Agency

Request for Proposals

For

FULL SERVICE MARKETING AGENCY – AGENCY OF RECORD

Department of Immigration, Population Growth and Skills

Request for Proposals No.: **RFP121009634**

Issued: **September 2, 2021**

Submission Deadline: **September 27, 2021 @ 4:00 PM local time**

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PART 1 – INVITATION AND SUBMISSION INSTRUCTIONS

1.1 Invitation to Proponents

1.1.1 Invitation

The Department of Immigration, Population Growth and Skills (IPGS) is issuing this Request for Proposals (the “RFP”) to prospective full service marketing agencies, in an effort to identify an agency to provide professional marketing services for Newfoundland and Labrador’s immigration and population growth activities, as further described in **Section 2 - Scope of Work**.

In April 2021, the Government of Newfoundland and Labrador (GNL) set a goal of attracting 5,100 new Permanent Residents annually through immigration by 2026. GNL is also looking to grow its population by attracting people living elsewhere in Canada to choose Newfoundland and Labrador as their home of choice.

Newfoundland and Labrador is well-known for its beautiful landscapes, arts and culture, well-developed infrastructure, and low cost of living, which is supported by progressive social programs, and world-class affordable post-secondary education. Through Budget 2021, GNL committed to continue building on our pride of people and place to foster safer, more inclusive and diverse communities that draw people from other parts of Canada and the world to come here, settle down and raise a family. This commitment included a \$8 million investment in immigration. See: <https://www.gov.nl.ca/releases/2021/exec/0623n03/>

The Government of Newfoundland and Labrador believes that the province is well-positioned to welcome 5,100 new Permanent Residents per year by 2026. The target equates to just less than one per cent of the province’s population, which is aligned with national immigration levels planning. While working to attract people to move here in record numbers, the Government wants to also ensure Newfoundlanders and Labradorians have the skills and supports they need to secure and maintain meaningful employment, right here at home.

In support of these identified measures, IPGS is seeking to engage a full service marketing agency that consistently brings big picture, strategic thinking to the table to guide decisions around goals, objectives, targets and tactics. The successful proponent will challenge traditional marketing methods, dig deep into available research, and consider new innovative approaches and opportunities for growth. The proponent will ultimately ensure the appropriate marketing strategies are implemented to promote Newfoundland and Labrador as a destination of choice to live and work for prospective newcomers currently abroad, as well as people looking to relocate within Canada. The successful agency will consider the need to increase awareness of Newfoundland and Labrador to potential newcomers residing in target countries all across the globe by leveraging strategic partnerships and targeted promotional plans.

1.1.2 Proponent must be Single Entity

The proponent must be a single legal entity that, if selected, intends to negotiate and enter into the contract with the Province. If the proposal is jointly submitted by two (2) or more separate entities, the proposal must identify only one of those entities as the “proponent”. The proponent will be responsible for the performance of the Deliverables.

1.1.3 Bidding System Registration

All proponents must have a vendor account with the Province's electronic bidding system at: <https://www.merx.com/govnl> and must be registered as a plan taker for this opportunity. This will enable the proponent to: download the solicitation document, ask questions, receive addenda email notifications, download addenda, and submit their proposal electronically through the bidding system.

1.2 RFP Contacts

To contact the Province in relation to this RFP, proponents must initiate the communication electronically through the bidding system. The Province will not accept any proponent's communications by any other means, except as specifically stated in this RFP.

For the purposes of this procurement process, the "RFP Contact" will be:

Dan Murphy
Procurement Officer
Public Procurement Agency
djmurphy@gov.nl.ca

Proponents should only contact the RFP Contacts where specifically instructed to in this RFP. All other communication in relation to this RFP, up to and including the submission of the proposal, must be through the bidding system, as described above.

Proponents and their representatives are not permitted to contact any employees, officers, agents, elected or appointed officials, or other representatives of the Province, other than the RFP Contacts, concerning matters regarding this RFP. Failure to adhere to this rule may result in the disqualification of the proponent and the rejection of the proponent's proposal.

1.3 Contract for Deliverables

1.3.1 Type of Contract

The selected proponent will be requested to enter into direct contract negotiations to finalize an agreement with the Province for the provision of the Deliverables. The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between the Province and the selected proponent.

1.3.2 Term of Contract

The term of the Agreement is to be for a period of five (5) years; with an agency review and performance assessment conducted annually, and a performance review following the second year of agreement. The total value of the contract for these marketing services will be determined annually based on IPGS's marketing plans and subject to annual budgetary appropriations by the Government of Newfoundland and Labrador. Funding of up to \$2 million

annually is available for marketing and promotion of identified immigration and population growth priorities. As this is a hard cap, GNL reserves the right to reject bids exceeding \$2M.

1.4 RFP Timetable

1.4.1 Key Dates

Issue Date of RFP	Thursday, September 2, 2021
Deadline for Questions	Friday, September 10, 2021
Deadline for Issuing Addenda	Friday, September 17, 2021
Submission Deadline: 4:00 PM Local Time	Monday, September 27, 2021
Public Opening: 4:05 PM Local Time	Monday, September 27, 2021
Rectification Period	5 Days Business Days
Anticipated Initial Ranking and Commencement of Concurrent Negotiations	Wednesday, October 6, 2021
Anticipated Deadline for Submission of Best and Final Offers (“BAFO”)	Friday, October 22, 2021
Anticipated Final Ranking	Wednesday, October 27, 2021
Contract Negotiation Period	10 Calendar Days with option in favour of the Province to extend
Anticipated Execution of Agreement	Thursday, December 2, 2021

The RFP timetable is tentative only and may be changed by the Province at any time. For greater clarity, business days means all days that the Province is open for business.

1.4.2 Site Visit / Pre-Bid Meeting

There will not be a pre-bid meeting and a site visit will not be required.

1.4.3 Public Opening (if applicable)

Open calls are currently undertaken in accordance with the **Public Procurement Regulations** and with applicable Special Measures Orders pursuant to the **Public Health Protection and Promotion Act**. The opening of submissions will be held on the designated date and time with two representatives of the Public Procurement Agency.

Suppliers are now provided an option to view the opening via a Skype meeting platform.

To access the Skype meeting for the opening your organization may be interested in, please email tenders@gov.nl.ca prior to the stated closing date and time on the open call document. The subject of the email must read ‘Interest in **RFP121009634** Opening’. The body of the email must include the email of the individual who will be joining the Skype session. Emails requests received after the closing time shall not be acknowledged.

Prior to the opening, an email including a Skype meeting invitation will be sent to the email address indicated in the request.

The following resources are available for organizations who do not currently use the Skype platform:

<http://2016-17.elearnwithnca.co.uk/help/lync/86-installing-skype-for-business-web-app-browser-plugin>

<https://support.office.com/en-us/article/join-a-skype-for-business-meeting-with-skype-meetings-app-skype-for-business-web-app-4828ad18-ed21-422a-a870-94d676d4b72a>

<https://support.office.com/en-us/article/trouble-installing-the-skype-for-business-web-app-plugin-958fc5f1-2d6f-42e3-815d-a9516c591274>

1.5 Submission Instructions

1.5.1 Submission of Proposals

Proposals must be submitted electronically through the bidding system at:

www.merx4.merx.com/govnl

Submission of proposals by other methods will not be accepted.

In the event of any technical issues, proponents should contact the bidding system's technical support.

1.5.2 Proposals to be Submitted on Time

Proposals must be finalized and fully uploaded in the bidding system on or before the Submission Deadline. The time of receipt of proposals shall be determined by the bidding system web clock. Late submissions will not be accepted by the bidding system and will be disqualified as late.

Proponents are cautioned that the timing of submission is based on when the proposal is received by the bidding system, not when a proposal is submitted by a proponent. As transmission can be delayed due to file transfer size, transmission speed or other technical factors, proponents should plan to submit proposals well in advance of the Submission Deadline to avoid submitting late due to technical issues. Proponents submitting near the Submission Deadline do so at their own risk.

The bidding system will send a confirmation email to the proponent advising when the proposal was submitted successfully. If you do not receive a confirmation email, contact the bidding system's technical support immediately.

1.5.3 Proposals to be Submitted in Prescribed Format

Proposal materials should be prepared and submitted in accordance with the instructions in the bidding system, including any maximum upload file size.

Documents should not be embedded within uploaded files, as the embedded files may not be accessible or evaluated.

1.5.4 Amendment of Proposals

Proponents may amend their submitted proposals prior to the Submission Deadline. However, the proponent is solely responsible for ensuring that the amended proposal is received by the bidding system by the Submission Deadline.

1.5.5 Withdrawal of Proposals

At any time throughout the RFP process until the execution of a written agreement for provision of the Deliverables, a proponent may withdraw a submitted proposal. Prior to the Submission Deadline, proponents may withdraw a submitted proposal through the bidding system. To withdraw a proposal after the Submission Deadline, a notice of withdrawal must be sent to the RFP Contacts and must be signed by an authorized representative of the proponent.

[End of Part 1]

PART 2 – EVALUATION, NEGOTIATION AND AWARD

2.1 Stages of Evaluation and Negotiation

The Province will conduct the evaluation of proposals and negotiations in the following stages:

2.2 Stage I – Mandatory Submission Requirements

Stage I will consist of a review to determine which proposals comply with all of the mandatory submission requirements. If a proposal fails to satisfy all of the mandatory submission requirements, the Province will issue the proponent a rectification notice identifying the deficiencies and providing the proponent an opportunity to rectify the deficiencies. If the proponent fails to satisfy the mandatory submission requirements within the five-day Rectification Period, the proposal will be rejected. The Rectification Period will begin to run from the date and time that the Province issues a rectification notice to the proponent. There is no rectification outside the rectification period. The mandatory submission requirements are set out in Section C of the RFP Particulars (Appendix B).

Please note that the mandatory submission requirements include prospective pricing approaches. These proposed pricing approaches will be used to inform pricing instructions to prospective proponents that will comprise part of and be evaluated during Stage III.

2.3 Stage II – Evaluation

Stage II will consist of the following two sub-stages:

2.3.1 Mandatory Technical Requirements

The Province will review the proposals to determine whether the mandatory technical requirements as set out in Section D of the RFP Particulars (Appendix B) have been met. If a proposal fails to satisfy all of the mandatory technical requirements, the Province will issue the proponent a rectification notice identifying the deficiencies and providing the proponent an opportunity to rectify the deficiencies. The rectification process for these requirements may occur after any rectification process for mandatory submission requirements. Proposals that do not satisfy the mandatory technical requirements within the Rectification Period will be rejected.

2.3.2 Non-Price Rated Criteria

The Province will evaluate each qualified proposal on the basis of the non-price rated criteria as set out under Evaluation Criteria in Section F of the RFP Particulars (Appendix B).

2.4 Stage III – Ranking and Contract Negotiations

2.4.1 Ranking of Proponents

After the completion of Stage II, proponents will be initially ranked based on their total scores at this stage.

2.4.2 Concurrent Negotiation Process

The Province intends to invite the top three ranked proponents to enter into concurrent negotiations. During these concurrent negotiations, the Province may provide each proponent with any additional information and will seek further information and proposal improvements from each proponent.

During this stage, the Province may schedule a commercially confidential meeting (“CCM”) with each of the top-ranked proponents to engage in direct dialogue with the proponents for the purposes of clarifying and coming to a common understanding of the Province’s requirements and the proponent’s proposal. Additional details and instructions in respect of the CCM process will be provided to the top-ranked proponents.

2.4.3 Submission of Best and Final Offer (BAFO)

Following the concurrent negotiation period, each proponent will be invited to revise its initial proposal and submit its BAFO to the Province. Specific instruction regarding the submission of the BAFOs will be provided to the top three proponents. If a BAFO fails to satisfy any mandatory submission requirements, the Province will issue the proponent a rectification notice identifying the deficiencies and providing the proponent an opportunity to rectify the deficiencies. If the proponent fails to satisfy the mandatory submission requirements within the Rectification Period, its BAFO will be rejected. The Rectification Period will begin to run from the date and time that the Province issues a rectification notice to the proponent.

2.4.4 Evaluation of BAFO and Final Ranking of Proponents

Each BAFO will be evaluated against the rated criteria set out under Final Evaluation Criteria in Section F of the RFP Particulars (Appendix B) and will be assigned a final ranking using the same process set out above. The top-ranked proponent based on the evaluation of the BAFOs will receive a written invitation to enter into a final round of negotiations to finalize the agreement with the Province. Other bids will be held in suspension pending successful negotiation.

Scoring of the submitted pricing of each qualified proposal will be undertaken in accordance with the price evaluation method set out in the BAFO instruction to the top three ranking proponents after Stage II. Funding of up to \$2 million annually is available for marketing and promotion of identified immigration and population growth priorities. As this is a hard cap, GNL reserves the right to reject bids exceeding \$2M.

In the event that a proponent’s pricing appears to be abnormally low in relation to the Deliverables, the Province may require the proponent to provide a detailed explanation of the pricing information to account for the low level of price and confirm that all requirements in respect of the Deliverables have been taken into account. If the proponent is unable to satisfactorily account for the abnormally low pricing, the Province may reject the proposal. The Province may also reject any proposal that contains unbalanced pricing.

Pricing may be considered unbalanced where nominal or significantly understated prices are proposed for some elements of the Deliverables and inflated prices are proposed for other elements of the Deliverables. Unbalanced pricing includes, but is not limited to, “front-loaded” pricing which contains inflated pricing for Deliverables to be provided or completed at the beginning of the contract, offset by understated pricing for Deliverables to be provided or completed later in the contract.

In the event of a tie, the selected proponent will be the proponent with the highest score on the non-price rated criteria.

2.5 Stage IV – Contract Negotiations

2.5.1 Contract Negotiation Process

Any negotiations will be subject to the process rules contained in the Terms and Conditions of the RFP Process (Part 3) and will not constitute a legally binding offer to enter into a contract on the part of the Province or the proponent and there will be no legally binding relationship created with any proponent prior to the execution of a written agreement.

The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between the Province and the selected proponent. Negotiations may include requests by the Province for supplementary information from the proponent to verify, clarify or supplement the information provided in its proposal or to confirm the conclusions reached in the evaluation, and may include requests by the Province for improved pricing or performance terms from the proponent.

2.5.2 Time Period for Negotiations

The Province intends to conclude negotiations and finalize the agreement with the top-ranked proponent during the Contract Negotiation Period, commencing from the date the Province invites the top-ranked proponent to enter negotiations. A proponent invited to enter into direct contract negotiations should therefore be prepared to satisfy the pre-conditions of award listed in Section E of the RFP Particulars (Appendix B), provide requested information in a timely fashion and conduct its negotiations expeditiously and in good faith. The Contract Negotiation Period may be extended at the mutual agreement of the Province and the top-ranked proponent.

2.5.3 Failure to Enter into Agreement

If the pre-conditions of award listed in Section E of the RFP Particulars (Appendix B) are not satisfied or if the parties cannot conclude negotiations and finalize the agreement for the Deliverables within the Contract Negotiation Period, the Province may discontinue negotiations with the top-ranked proponent and may invite the next-best-ranked proponent to enter into negotiations. This process will continue until an agreement is finalized, until there are no more proponents remaining that are eligible for negotiations or until the Province elects to cancel the RFP process.

2.5.4 Notification of Negotiation Status

Other proponents that may become eligible for contract negotiations may be notified at the commencement of the negotiation process with the top-ranked proponent.

[End of Part 2]

PART 3 – TERMS AND CONDITIONS OF THE RFP PROCESS

3.1 General Information and Instructions

3.1.1 Proponents to Follow Instructions

Proponents should structure their proposals in accordance with the instructions in this RFP. Where information is requested in this RFP, any response made in a proposal should reference the applicable section numbers of this RFP.

A proponent who submits conditions, options, variations, or contingent statements either as part of its proposal or after receiving notice of selection, may be disqualified. The Province shall be the sole arbiter of compliance.

3.1.2 Proposals in English

All proposals are to be in English only.

3.1.3 No Incorporation by Reference

The entire content of the proponent's proposal should be submitted in a fixed format, and the content of websites or other external documents will only be accepted in response to questions 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16, where the fixed document clearly outlines how the content of websites or other documents responds to the questions. Any references in the proponent's proposal in response to any other questions but not attached will not be considered to form part of its proposal.

3.1.4 Past Performance

In the evaluation process, the Province may consider the proponent's past performance or conduct on previous contracts with the Province or other institutions.

3.1.5 Information in RFP Only an Estimate

The Province and its advisers make no representation, warranty, or guarantee as to the accuracy of the information contained in this RFP or issued by way of addenda. Any quantities shown or data contained in this RFP or provided by way of addenda are estimates only, and are for the sole purpose of indicating to proponents the general scale and scope of the Deliverables. It is the proponent's responsibility to obtain all the information necessary to prepare a proposal in response to this RFP.

3.1.6 Proponents to Bear Their Own Costs

The proponent will bear all costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews or demonstrations.

3.1.7 Proposal to be Retained by the Province

The Province will not return the proposal or any accompanying documentation submitted by a proponent.

3.1.8 No Guarantee of Volume of Work or Exclusivity of Contract

The Province makes no guarantee of the value or volume of work to be assigned to the successful proponent. The agreement to be negotiated with the selected proponent will not be an exclusive contract for the provision of the described Deliverables. The Province may contract with others for goods and services the same as or similar to the Deliverables or may obtain such goods and services internally.

3.2 Communication after Issuance of RFP

3.2.1 Proponents to Review RFP

Proponents should promptly examine all of the documents comprising this RFP and may direct questions or seek additional information in writing through the bidding system on or before the Deadline for Questions. No such communications are to be sent or initiated through any other means. The Province is under no obligation to provide additional information, and the Province is not responsible for any information provided by or obtained from any source other than the RFP Contacts or the bidding system. It is the responsibility of the proponent to seek clarification from the RFP Contacts on any matter it considers to be unclear. The Province is not responsible for any misunderstanding on the part of the proponent concerning this RFP or its process.

3.2.2 All New Information to Proponents by Way of Addenda

This RFP may be amended only by addendum in accordance with this section. If the Province, for any reason, determines that it is necessary to provide additional information relating to this RFP, such information will be communicated to all proponents by addendum posted in the bidding system. Each addendum forms an integral part of this RFP and may contain important information, including significant changes to this RFP. Proponents are responsible for obtaining all addenda issued by the Province.

3.2.3 Post-Deadline Addenda and Extension of Submission Deadline

If the Province determines that it is necessary to issue an addendum after the Deadline for Issuing Addenda, the Province may extend the Submission Deadline for a reasonable period of time.

3.2.4 Verify, Clarify, and Supplement

When evaluating proposals, the Province may request further information from the proponent or third parties in order to verify, clarify or supplement the information provided in the proponent's proposal. The Province may revisit, re-evaluate, and rescore the proponent's response or ranking on the basis of any such information.

3.3 Notification and Debriefing

3.3.1 Notification to Other Proponents

In accordance with section 30 of the **Public Procurement Regulations**, once the Agreement is awarded by the Province, the outcome of the RFP will be publicly posted at <https://www.ppa.gov.nl.ca/gs/report/>.

3.3.2 Debriefing

Proponents may request a debriefing within ten (10) business days after the award has been posted. All requests must be in writing to the RFP Contacts. The RFP Contacts will contact the respondent's representative to schedule the debriefing. Debriefings may occur in person at the Province's location or by way of conference call or other remote meeting format as prescribed by the Province.

The intent of the debriefing information session is to aid the proponent in presenting a better proposal in subsequent procurement opportunities. The debriefing process is not for the purpose of providing an opportunity to challenge the procurement process or its outcome.

3.3.3 Supplier Complaint Process

Any proponent with concerns about the RFP process is required to attend a debriefing prior to proceeding with a protest.

If, after attending a debriefing, the proponent wishes to register a complaint regarding the RFP process, it must provide the complaint to the RFP Contact within fifteen (15) business days of the debriefing. The complaint must be in writing and must contain the following information:

- (a) the supplier's name and business contact information;
- (b) reference information respecting the RFP; and
- (c) a description of the complaint.

The Province will review the complaint and respond to it within fifteen (15) business days of receiving it.

3.4 Conflict of Interest, Unfair Advantage and Prohibited Conduct

3.4.1 Conflict of Interest or Duties

For the purposes of this RFP, the term "Conflict of Interest" refers to a conflict between the official duties and private interests of a public office holder or a situation where a public office holder leverages their position for personal gain. In relation to the RFP process, Proponents are required to immediately disclose to the RFP Contact any real, potential or perceived conflict on interest, including but not limited to:

- (a) having been involved in the development of the RFP; or
- (b) having provided advice or assistance in the development of the RFP.

For the purposes of this RFP, the term "Conflict of Duties" refers to a conflict arising between competing responsibilities. In relation to the performance of obligations under a contract for the Deliverables, the proponents are required to immediately disclose to the RFP Contacts any commitments, relationships, or financial interests that:

- (a) could, or could be seen to, exercise an improper influence over the objective, unbiased,

and impartial exercise of its independent judgement; or

- (b) could, or could be seen to, compromise, impair, or be incompatible with the effective performance of its contractual obligations.

3.4.2 Unfair Advantage

In relation to this RFP process, proponents are required to immediately disclose to the RFP Contacts any existing unfair advantage or any behaviours undertaken that may, directly or indirectly, result in acquiring an unfair advantage over other Proponents , including but not limited to:

- (a) as a proponent, having or having access to confidential information of the Province, unavailable to other proponents, that could, or could be seen to, advantage its proposal;
- (b) as a proponent, receiving advice or assistance in the preparation of its proposal from any individual or entity that was involved in the development of the RFP;
- (c) as an existing or incumbent supplier, creating unnecessary barriers to competition through the manner in which it performs its existing contracts; and
- (d) as an existing or incumbent supplier, failing to provide the information within its control or otherwise engaging in conduct obstructive to a fair competitive procurement process.

3.4.3 Prohibited Conduct

For the purposes of this RFP, the term “Prohibited Conduct” refers to conduct detrimental to achieving best value, transparency and accountability in procurement.

In relation to this RFP process or the performance of obligations under a contract for the Deliverables, Proponents must not engage in Prohibited Conduct, including but not limited to:

- (a) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process);
- (b) engaging in conduct that compromises, or could be seen to compromise, the integrity of the open and competitive RFP process or render that process non-competitive or unfair;
- (c) engaging in any communications that could constitute a Conflict of Interest per the Conflict of Interest declaration set out in the Submission Form (Appendix C);
- (d) communicating directly or indirectly with the media in relation to this RFP or any agreement entered into pursuant to this RFP without first obtaining the written permission of the RFP Contacts;
- (e) engaging directly or indirectly in any form of political or other lobbying whatsoever to influence the evaluation and selection process to identify the Preferred Supplier;

- (f) engaging in any illegal business practices, including activities such as bid-rigging, price-fixing, bribery, fraud, coercion, or collusion.
- (g) engaging in any unethical conduct, including lobbying, as described above, or other inappropriate communications;
- (h) offering gifts to any employees, officers, agents, elected or appointed officials, or other representatives of the Province;
- (i) engaging in deceitful behaviour, including submitting proposals containing misrepresentations or other misleading or inaccurate information; or
- (j) engaging in any other conduct that compromises or may be seen to compromise the competitive process provided for in this RFP.

3.4.4 Harassment

In relation to this RFP process or the performance of obligations under a contract for the Deliverables, Proponents / Preferred Suppliers shall interact with representatives of the Province and all other Participating Entities in a manner free from harassment as defined by the [GNL Harassment-Free Workplace Policy](#).

3.4.5 Remedies

In relation to this RFP process, the Province may disqualify a proponent from this RFP process or rescind an invitation to negotiate a contract for any conduct, situation, or circumstances, determined by the Province, in its sole and absolute discretion, to constitute Conflict of Interest, Conflict of Duties, Unfair Advantage, Prohibited Conduct, or Harassment.

In relation to the performance of obligations under a contract for the Deliverables, the Province may terminate a contract entered into with a Preferred Supplier for any conduct, situation, or circumstances, determined by the Province, in its sole and absolute discretion, to constitute Conflict of Interest, Conflict of Duties, Unfair Advantage, Prohibited Conduct, or Harassment.

3.4.6 Supplier Suspension

The Province may suspend a supplier from participating in its procurement processes for prescribed time periods based on past performance or based on inappropriate conduct, including but not limited to the following:

- (a) failing to disclose a Conflict of Interest or Conflict of Duties;
- (b) failing to disclose an Unfair Advantage;
- (c) engaging in Prohibited Conduct;
- (d) engaging in Harassment;
- (e) refusing to honour its contractual commitments as a supplier;

- (f) engaging in litigious conduct, bringing frivolous or vexatious claims in connection with the Province's procurement processes or contracts; or
- (g) engaging in conduct obstructive to executing a fair, competitive and transparent procurement process.

In advance of a decision to suspend a supplier, the Province will notify the supplier of the grounds for the suspension and the supplier will have an opportunity to respond within a timeframe stated in the notice. Any response received from the supplier within that timeframe will be considered by the Province in making its final decision.

3.5 Confidential Information

3.5.1 Confidential Information of the Province

All information provided by or obtained from the Province in any form in connection with this RFP either before or after the issuance of this RFP

- (a) is the sole property of the Province and must be treated as confidential;
- (b) is not to be used for any purpose other than replying to this RFP and the performance of any subsequent contract for the Deliverables;
- (c) must not be disclosed without prior written authorization from the Province; and
- (d) must be returned by the proponent to the Province immediately upon the request of the Province.

3.5.2 Confidential Information of Proponent

This procurement process is subject to the **Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)**. A proponent must identify any information in its proposal or any accompanying documentation supplied in confidence for which confidentiality is requested to be maintained by the Province. The confidentiality of such information will be maintained by the Province, except as otherwise required by law or by order of a court or tribunal. Proponents are advised that their proposals will, as necessary, be disclosed, on a confidential basis, to advisers retained by the Province to advise or assist with the RFP process, including the evaluation of proposals.

The proponent agrees that any specific information in its submission that may qualify for an exemption from disclosure under subsection 39(1) of the *ATIPPA, 2015* has been identified in its submission. If no specific information has been identified it is assumed that, in the opinion of the proponent, there is no specific information that qualifies for an exemption under the subsection 39(1) of the *ATIPPA, 2015*. General or blanket claims of confidentiality should not be argued.

Contracting with the Province is a public process. Information provided through this process will be disclosed when requested under the *ATIPPA, 2015*, except where disclosure of that information is harmful to the business' interests, as set out in the three-part test in the *ATIPPA, 2015*.

Information, including the financial value of a contract resulting from this procurement process, will be publicly released as part of the award notification process, in accordance with section 30 of the **Public Procurement Regulations**.

If a proponent has any questions about the collection and use of personal information pursuant to this RFP, questions are to be submitted to the RFP Contact. Further information relating to subsection 39(1) of the *ATIPPA, 2015* is provided in guidance documents available through the Office of the Information and Privacy Commissioner at <https://oipc.ni.ca/guidance/documents>.

3.6 Procurement Process Non-Binding

3.6.1 No Contract A and No Claims

This procurement process is not intended to create and will not create a formal, legally binding bidding process and will instead be governed by the law applicable to direct commercial negotiations. For greater certainty and without limitation:

- (a) this RFP will not give rise to any Contract A–based tendering law duties or any other expressed or implied legal obligations arising out of any process contract or collateral contract; and
- (b) neither the proponent nor the Province will have the right to make any claims (in contract, tort, or otherwise) against the other with respect to the award of a contract, failure to award a contract or failure to honour a proposal submitted in response to this RFP.

3.6.2 No Contract until Execution of Written Agreement

This RFP process is intended to identify prospective suppliers for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service will be created between the proponent and the Province by this RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.

3.6.3 Non-Binding Price Estimates

While the pricing information provided in proposals will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the proposals and the ranking of the proponents. Any inaccurate, misleading, or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation or ranking or the decision of the Province to enter into an agreement for the Deliverables.

3.6.4 Cancellation

The Province may cancel or amend the RFP process without liability at any time.

3.7 Governing Law and Interpretation

These Terms and Conditions of the RFP Process (Part 3):

- (a) are intended to be interpreted broadly and independently (with no particular provision intended to limit the scope of any other provision);
- (b) are non-exhaustive and will not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations; and
- (c) are to be governed by and construed in accordance with the laws of the Province of Newfoundland and Labrador and the federal laws of Canada applicable therein.

[End of Part 3]

APPENDIX A – FORM OF AGREEMENT

The successful proponent shall be required to enter into a formal agreement with the Government of Newfoundland and Labrador. Standard Agreements will be reviewed, however, negotiation of points may be necessary, as well as the incorporation of the essential points and wording of this RFP will be included as mutually agreed. The successful proponent, in this agreement, must recognize the distinctiveness of Government and the services under contract.

APPENDIX B – RFP PARTICULARS

A. THE DELIVERABLES

Background

IPGS is looking to partner with a full-service marketing agency to provide professional marketing services to promote Newfoundland and Labrador as a destination of choice for people looking to immigrate to Canada, and for people currently living in Canada who are looking for a change. The successful proponent will work with the IPGS team to develop and action sound marketing strategies by concentrating resources on the target audiences and markets that offer the best opportunity and the highest return on investment. Key countries to focus on will be identified by IPGS and the rationale supporting these markets will be provided to the successful agency in order to focus marketing efforts.

The current primary target audiences include:

- International students studying at Newfoundland and Labrador and Canadian post-secondary institutions;
- Migrant workers, including temporary foreign workers already living in Newfoundland and Labrador or elsewhere in Canada;
- Prospective economic immigrants in other countries looking to relocate to Canada;
- Canadian citizens and permanent residents in other provinces or territories (including Newfoundlanders and Labradorians currently living outside the province);
- Lifestyle migrants (individuals drawn to the province for its lifestyle: rural/remote, vast wilderness, rich culture, etc.);
- Individuals who are employed in other parts of Canada or globally with the ability to remotely work from Newfoundland and Labrador; and,
- Newfoundland and Labrador employers who are facing labour shortages and could benefit from the recruitment and retention of employees who are currently outside the province or country.

The recently launched WorkRemoteNL initiative aims to target young professionals, young families and ex-pat Newfoundlander and Labradorians (and friends of the province) from across Canada who have the capacity to work remotely. To attract these target groups, there will be a focus on key attributes that are relevant to the target audience and differentiate Newfoundland and Labrador from other destinations in Canada (e.g., the province's pace of life, quality of life and abundance of nature pursuits not found in the hectic large urban centres). Newfoundland and Labrador is a prime location for professionals and families to work from, offering an abundance of open spaces, fresh air, less traffic and an inviting work and social environment. As the call to action, IPGS is looking to expand upon its remote work web presence, to a broader online portal highlight the benefits and opportunities in moving to the province. The current web presence can be viewed online at www.workremotelnl.ca.

IPGS has previously conducted social media campaigns focusing on dispelling myths about immigration, raising awareness of immigration pathways for employers in the province, and promoting immigration pathways for prospective immigrants to Newfoundland and Labrador.

Deliverables

Place branding is evolving at an unprecedented pace, with paradigm shifts in how consumers choose and interact with brands. The successful proponent will understand the changing

provincial, national and international labour market, consistently bringing strong strategic thinking to the table in order to develop and execute innovative and integrated solutions to meet IPGS's overall objectives relating to immigration targets and overall population growth goals. Immigration and population growth is an area where the competition within Canada is high. Many provinces have benefited from higher levels of immigration than NL for a long time. The province's approach to marketing needs to help ensure Newfoundland and Labrador reaches the best target audience and differentiate NL from other places in Canada. The successful agency must 'put Newfoundland and Labrador on the 'destination map' for those wishing to immigrate to Canada.

The successful proponent will be the Department's Agency of Record for immigration and population growth-related marketing and engagement. This work will include:

1. The development and implementation of a strategy to market:
 - Newfoundland and Labrador to key target audiences in specific international destinations and working in priority occupations, identified in consultation with IPGS; and
 - Immigration pathways to Newfoundland and Labrador employers, in an effort to ease understanding of how the immigration system works and how it can help address chronic labour shortages.
2. The development and implementation of a strategy that supports provincial immigration retention efforts in Newfoundland and Labrador by:
 - Promoting the benefits of immigration to the residents of Newfoundland and Labrador;
 - Developing and implementing a comprehensive educational campaign to prevent and address racism and discrimination in the province.
3. The development and implementation of a strategy that supports the attraction of:
 - Canadian citizens and permanent residents in other provinces or territories (including Newfoundlanders and Labradorians currently living outside the province);
 - Lifestyle migrants (individuals drawn to the province for its lifestyle: rural/remote, vast wilderness, rich culture, etc.); and
 - Individuals who are employed in other parts of Canada or globally with the ability to remotely work from Newfoundland and Labrador.

B. MATERIAL DISCLOSURES

There are no material disclosures at this time.

C. MANDATORY SUBMISSION REQUIREMENTS

1. Submission Form (Appendix C)

Proponents should refer to the instructions attached to the solicitation for the Appendix C – Submission Form requirements and provide all required information in accordance with the instructions provided in the bidding system.

2. Pricing

Each proposal must include a suggested pricing approach. The Proponent's desired pricing approach will be developed for and disclosed during the Concurrent Negotiation / Best and Final Offer process in Stage III of the evaluation process. Funding of up to \$2 million annually is available for marketing and promotion of identified immigration and population growth priorities. As this is a hard cap, GNL reserves the right to reject bids exceeding \$2M.

3. Other Mandatory Submission Requirements

Proponents must be licensed to operate in Canada and registered to work in the Province of Newfoundland and Labrador.

4. References

Provide three (3) client references, for which your agency has completed similar work. References should identify the client's name and contact information, the size of the project and/or campaign completed, and the reference's overall satisfaction with your services and the results achieved. IPGS reserves the right to use prior knowledge and experience as a client reference in the evaluation of a proponent's proposal. IPGS reserves the right to refine criteria scores based upon feedback by references. No references may be from IPGS.

D. MANDATORY TECHNICAL REQUIREMENTS

Services required under the Agreement include, but are not limited to:

Requirement		YES	NO
Strategic Planning & Account Management			
1	Provide overall strategic counsel for marketing and engagement goals, objectives, targets and tactics.		
2	Identify and consult on research opportunities including: big-data management and analysis; consumer insight research and competitive research.		
3	Present strategic recommendations for target audience(s), applicable goals and objectives, and key performance indicators (KPIs) for all marketing campaign activities.		
4	Plan and execute integrated multi-media national and international marketing campaigns in key target markets, using a performance-based approach with clearly identified key performance indicators, and identifying methods to engage international partners who can help get the word out about immigration to Newfoundland and Labrador. Reporting regularly (monthly minimum) on all online executions.		
5	Provide detailed budget management, project cost estimates, monthly invoicing, monthly budget control reports for all projects tracked by fiscal year and calendar year, including budget estimates and actuals for all agency staff utilization and any and all disbursements.		
6	Develop project briefs and work-back schedules for all marketing initiatives.		
7	Conduct project, status and planning meetings.		

Requirement		YES	NO
8	Provide detailed post-buy analysis and campaign performance reports following campaign completions.		
Creative Strategy Development and Implementation			
9	Act as principal brand steward for all brand assets, positioning and guidelines.		
10	Develop and execute fully integrated creative strategies for target markets.		
11	Develop creative assets for paid, owned and earned media channels including, but not be limited to: web, social, print, broadcast, video and digital to maximize consumer engagement and activity; and all creative elements for owned websites, campaign microsites, and other creative as required.		
12	Develop ancillary media, including original photos, videos, and other content to support campaign implementation. IPGS to retain all rights to video and photography collected for use in the promotion of NL as an immigration destination.		
13	Plan, design and print key promotional pieces, brochures and other promotional and informational material as required.		
14	Develop co-branded creative assets and content for ongoing initiatives.		
Production Management			
15	Prepare project and creative briefs for client review and feedback prior to commencing projects and obtain final creative sign-off from IPGS prior to airing, posting or printing of any advertising materials.		
16	Cast and negotiate talent contracts and waivers, as required.		
17	Facilitate legal clearances from all necessary legal bodies where necessary.		
18	Purchase and manage production of creative content including video, photography, audio, voice and music. IPGS to retain all rights to video and photography collected for use in the promotion of NL as an immigration destination.		
19	Manage creative asset inventory which is to be appropriately logged and accessible. IPGS to retain all rights to video and photography collected for use in the promotion of NL as an immigration destination.		
Partnership Strategies and Initiatives			
20	Identify strategic partnership opportunities, negotiate and manage partnership agreements.		
21	Develop and execute co-operative marketing initiatives.		
22	Develop creative content and facilitate media placements for joint marketing campaigns with other immigration and recruitment partners, including organizations that promote immigration to Canada in target markets internationally.		
23	Evaluate effectiveness of joint marketing campaigns with a review of key performance indicator results.		
24	Develop and coordinate programs with influencers to strengthen overall impact of owned channel content.		
25	Work in partnership with provincial stakeholder groups, as required, during execution of content creation and other marketing efforts.		
Media Strategy Development and Implementation			

Requirement		YES	NO
26	Develop media strategies that support marketing objectives; incorporating paid, owned and earned media channels.		
27	Ensuring appropriate messaging along the pathway to persuasion and purchase, with the best mix of traditional and new media to maximize overall results.		
28	Create and present media plans with defined media objectives and key performance indicator strategies.		
29	Identify and consult with IPGS on research opportunities, share best practices, analyze research and provide insights on emerging trends and new media.		
30	With strong negotiation capability and buying power, execute all media buys (national and international), monitor, measure and report on campaign performance on all metrics.		
31	Facilitate national and international marketing initiatives, and consider incorporating partnership marketing as a part of core strategic planning.		
32	Conduct detailed post-buy analysis and campaign performance reports following campaign completions.		
Content Marketing and Social Media Strategy			
33	Develop content and social media strategies for target audiences.		
34	Work with IPGS to create paid, owned and earned digital content with defined key performance indicators.		
35	Collaborate with IPGS on the planning, development and execution of year-round social media content calendar utilizing applicable social media channels eg: Facebook, Instagram, Twitter, LinkedIn, and YouTube etc.		
36	Work with IPGS to create, schedule and post engaging social media content.		
37	Facilitate monthly social media editorial meetings to review performance of social media activity in the previous month; and finalize the plan for month(s) ahead.		
38	Work with IPGS to craft and create promotional e-newsletters to subscriber databases that prompt appropriate calls-to-action along the pathway to persuasion and immigration/relocation to Newfoundland and Labrador.		
39	Utilize and manage annual licences for applicable content marketing and social media platforms such as Hootsuite, Crowdriff, MailChimp and similar as required.		
40	Develop and manage annual paid search/SEO media campaigns.		
Digital and Website Strategy and Implementation			
41	Develop digital marketing strategies for target markets and audiences.		
42	Provide digital and website development and ongoing maintenance and technical counsel.		
43	Design, development and ongoing maintenance of all developed websites and microsities.		
44	Technical management and financial administration of applied widgets and apps for websites, microsities, conversion pages and campaign pages as applicable, including language conversion plugin.		
45	Translate text for use across all mediums into priority languages, as identified by IPGS.		

Requirement		YES	NO
46	Produce monthly website performance reports with detailed analytics and analysis of results, and one annual report and session to review final results.		
47	Manage annual website software licences and website cloud hosting including production and staging environments and database feeds for all owned online assets.		
48	Work with IPGS and the Office of the Chief Information Officer (OCIO) where applicable on integration relating to any GNL database feeds that populate the AOR developed websites.		
49	OCIO is responsible for hardware and software maintenance, data security, backup, alternate power and redundant connections for the NL immigration promotional website. The successful proponent is responsible for maintenance, data security, backup, alternate power and redundant connections for websites, microsites, and other campaign and contest sites.		
50	OCIO also provides assistance to the successful proponent, as needed, to understand the current technical and functional aspects of the NL immigration promotional website. The OCIO also provides input to resolve any technical issues arising from the NL immigration promotional website integration with GNL websites, including the online application portal.		
General Provisions			
51	GNL will approve final copy, product and materials prior to release/issue.		
52	GNL will approve the use of any subcontractor(s).		

E. PRE-CONDITIONS OF AWARD

There are no pre-conditions of award.

F. EVALUATION CRITERIA

The following sets out the categories, weightings, and descriptions of the rated criteria of the RFP. Proponents who do not meet a minimum threshold score for a category will not proceed to the next stage of the evaluation process.

Evaluation Scale for Rated Criteria		
Modifier	Label	Description
1	Major value added	Response is compliant and content exceeds expectations.
0.7	Demonstrated	Response is compliant and content is consistent with expectations.
0.4	Minor Deficiencies	Response is compliant and content is mostly consistent with expectations but certain response elements are missing or require improvement.
0	Major Deficiencies	Response is non-compliant and/or content is not consistent with expectations for a potential Preferred Supplier.

Rated Criteria Evaluation Summary

	<u>Criterion</u>	<u>Items</u>	<u>Weight</u>	<u>Points Available</u>	<u>Minimum Threshold</u>
<u>Proponent Criteria</u>					
i.	Agency Overview	1	2	10	4
ii.	Account Team	2	5	25	10
iii.	Unique Differentiators	3	5	25	10
<u>Relevant Experience</u>					
iv.	Strategic Planning	4	4	20	8
v.	Knowledge of Canadian Immigration Pathways and National and Provincial Labour Markets and Emerging Trends	5	5	25	10
vi.	National and International Marketing Strategies and Campaigns	6	6	30	12
vii.	Media Strategy, Planning and Buying	7	6	30	12
viii.	Digital Marketing, Websites and Social Media	8	6	30	12
ix.	Research and Analytics	9	3	15	6
x.	Publications and Promotional Materials	10	3	15	6
xi.	Innovation and Partnerships	11	3	15	6
<u>Strategic Approach</u>					
xii.	Place Branding	12	3	15	6
xiii.	Strategic Marketing Approach	13	8	40	16
xiv.	Creative Strategy	14	8	40	16
xv.	Media Strategy	15	8	40	16
xvi.	Digital Marketing, Websites and Social Media Strategy	16	8	40	16
xvii.	Measure and Monitor Results	17	2	10	4
xviii.	Account Management	18	3	15	6
xix.	Agency Remuneration and Added Value	19	12	<u>60</u>	<u>24</u>
Total				<u>500</u>	<u>N/A</u>

Rated Criteria Questionnaire Items

Proponent Criteria

1. **Agency Overview**

Please provide an overview of your agency indicating years in business; number of staff; office location; and top five clients by dollar value and by years of doing business.

2. Account Team

Present the full team that would be assigned to the Newfoundland and Labrador population growth and immigration initiative account, outlining experience, relevant credentials and the roles each would play. Also identify if any roles will be outsourced or subcontracted.

3. Unique Differentiators

Outline what makes your company different and why should IPGS choose you over your competition?

Relevant Experience

4. Strategic Planning

IPGS is seeking a strong strategic planning agency as per defined marketing objectives, strategies, targets and tactics that are grounded in evidence-based thinking and yield positive, measurable results. Please provide two examples where your agency applied bold strategic thinking that delivered clear results for your client. One example should focus on strategic decisions regarding a target market(s); and the other should involve strategic thinking at a tactic level.

5. Knowledge of Canadian Immigration Pathways and National and Provincial Labour Markets and Emerging Trends

Knowledge and understanding of both the provincial and federal economic immigration pathways, migratory trends, and the desirability of Newfoundland and Labrador as a choice destination to reside, and work remotely is essential to realizing the objectives of this initiative. Demonstrate your experience and knowledge in these areas.

6. National and International Marketing Strategies and Campaigns

Provide three (3) examples of recent marketing strategies and campaigns (one example should be immigration focused) including objectives, creative, media plan, and budget as well as overall campaign results. Identify the project management, creative and media team members responsible for this work. Outline experience working in target markets within Canada and abroad.

7. Media Strategy, Planning and Buying

Competing for the attention of potential newcomers and migrants demands that paid, earned and owned media strategies in traditional and digital channels work together to maximize impact during each stage of the pathway to successful immigration/relocation. Please outline your experience in successfully planning and executing multi-channel media campaigns along the consumer journey, demonstrating why IPGS should choose your agency over your competitors.

8. Digital Marketing, Websites and Social Media

Key content platforms and channels for IPGS may include multiple websites, campaign microsites, social media channels and other digital tools that support these content channels. The successful agency will be responsible for ongoing design, development, hosting, licensing and maintenance of all digital content channels; and work with IPGS to plan, develop and execute engaging digital and social media strategies. Please outline your agency's experience in digital marketing; website development; social media planning and posting; and associated overall results.

9. Research and Analytics

Expertise in research and analytics are essential in helping to plan campaigns, build brands and meet the digital marketing goals. What analytic tools or services do you use to deliver services for your clients? Describe how your analytics can be converted into insights, and how the insights will help guide decision making in marketing campaigns.

10. Publications and Promotional Materials

IPGS has issued a Guide to Immigration to Newfoundland and Labrador, along with guides to individual pathways such as Priority Skills NL, International Entrepreneur and International Graduate Entrepreneur, and other brochures, pamphlets, and materials to help individuals navigate immigration in the province. Please outline your agency's experience in producing promotional materials that demonstrate capacity for undertaking this work, and please identify team members responsible for this work in your agency.

11. Innovation and Partnerships

IPGS is continuously seeking new opportunities to engage with target audiences in an effort to attract and retain prospective newcomers, and migrants. Provide a case study that demonstrates how your agency has used an innovative approach to help a client achieve success. Provide a case study showing how you have incorporated marketing a partnership(s) to extend a client's budget and/or exposure; including overall results achieved. Case studies do not have to be specific to the goals of this RFP.

Strategic Approach

12. Place Branding

Place branding is evolving at an unprecedented pace, with paradigm shifts in how consumers choose and interact with brands. Describe how your firm stays at the forefront of global destination marketing trends. Demonstrate how your agency's knowledge and expertise of national and global marketing will provide greater benefit and growth opportunities for Newfoundland and Labrador.

13. Strategic Marketing Approach

How will your firm help to grow newcomer attraction and retention in Newfoundland and Labrador? What is your marketing strategy?

14. Creative Strategy

Based on your understanding of the current Newfoundland and Labrador brand, describe how you would evolve the province's immigration and population growth brand from a creative strategy point of view. What creative approach will you take to advance Newfoundland and Labrador within the increasingly competitive newcomer attraction and retention environment? What are your general thoughts and ideas on a creative approach for Newfoundland and Labrador going forward? Please note that speculative creative is not a requirement and will not be evaluated.

15. Media Strategy

How has your agency's media planning evolved given the way consumers are receiving and using information today? Describe the process you undertake to decide what media mix is best to maximize overall results? What is your proposed media strategy for IPGS population growth and immigration initiatives?

16. Digital Marketing, Websites and Social Media Strategy

Describe the process your firm will undergo in building/strengthening the online journey for potential newcomers to Newfoundland and Labrador. Please outline your proposed digital marketing, website(s) and social media strategies for Newfoundland and Labrador.

17. Measure and Monitor Results

Identify the type of measurements and reporting you will use to monitor results and keep IPGS informed on the effectiveness of marketing campaigns.

18. Account Management

Outline your procedures related to the account management and administration of the IPGS account. This should include a project management plan, billing schedule, structure, budget tracking and expenditure reporting, preparation of status and conference reports, scheduling of regular meetings to discuss the account progress and any other relevant matters.

19. Agency Remuneration and Added Value

Outline how you expect to be compensated under an Agency of Record contract for IPGS. What is the proposed rate structure? What are the hourly rates for each team member that would be assigned to the project? What fees and/or commissions are to be applied for any and all disbursement categories including media buys? Provide at least two examples of how you have saved your clients money. Provide at least two examples of added value provided/negotiated for your clients.

2. Final Evaluation Criteria

The categories, weightings and descriptions used in the final evaluation of rated criteria during Stage IV of the evaluation process (Concurrent Negotiations and BAFO), will be provided to the Top 3 ranking proponents prior to commencement of this evaluation stage.

APPENDIX C – SUBMISSION FORM

Proponents should refer to the instructions attached to the solicitation for the Appendix C – Submission Form requirements and provide all required information in accordance with the instructions provided in the bidding system.

1. Proponent Information

Please fill out the following form, naming one person to be the proponent's contact for the RFP process and for any clarifications or communication that might be necessary.	
Full Legal Name of Proponent:	
Any Other Relevant Name under which Proponent Carries on Business:	
Street Address:	
City, Province/State:	
Postal Code:	
Phone Number:	
Company Website (if any):	
Proponent Contact Name and Title:	
Proponent Contact Phone:	
Proponent Contact Email:	

2. Acknowledgment of Non-Binding Procurement Process

The proponent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal, legally binding bidding process (and for greater certainty, does not give rise to a Contract A bidding process contract), and that no legal relationship or obligation regarding the procurement of any good or service will be created between the Province and the proponent unless and until the Province and the proponent execute a written agreement for the Deliverables.

3. Ability to Provide Deliverables

The proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required. The proponent represents and warrants its ability to provide the Deliverables in accordance with the requirements of the RFP for the rates set out in its proposal.

4. Non-Binding Pricing

The proponent has submitted its pricing in accordance with the instructions in the RFP. The proponent confirms that the pricing information provided is accurate. The proponent acknowledges that any inaccurate, misleading, or incomplete information, including withdrawn

or altered pricing, could adversely impact the acceptance of its proposal or its eligibility for future work.

5. Addenda

The proponent is deemed to have read and taken into account all addenda issued by the Province prior to the Deadline for Issuing Addenda.

6. Communication with Competitors

For the purposes of this RFP, the word "competitor" includes any individual or organization, other than the proponent, whether or not related to or affiliated with the proponent, who could potentially submit a response to this RFP.

Unless specifically disclosed below under Disclosure of Communications with Competitors, the proponent declares that:

- (a) it has prepared its proposal independently from, and without consultation, communication, agreement or arrangement with any competitor, including, but not limited to, consultation, communication, agreement or arrangement regarding:
 - (i) prices;
 - (ii) methods, factors or formulas used to calculate prices;
 - (iii) the quality, quantity, specifications or delivery particulars of the Deliverables;
 - (iv) the intention or decision to submit, or not to submit, a proposal; or
 - (v) the submission of a proposal which does not meet the mandatory technical requirements or specifications of the RFP; and

- (b) it has not disclosed details of its proposal to any competitor and it will not disclose details of its proposal to any competitor prior to the notification of the outcome of the procurement process.

Disclosure of Communications with Competitors

If the proponent has communicated or intends to communicate with one or more competitors about this RFP or its proposal, the proponent discloses below the names of those competitors and the nature of, and reasons for, such communications:

7. No Prohibited Conduct

The proponent declares that it has not engaged in any conduct prohibited by this RFP.

8. Conflict of Interest

The proponent must declare all potential Conflicts of Interest, as defined in section 3.4.1 of the RFP. This includes disclosing the names and all pertinent details of all individuals (employees, advisers, or individuals acting in any other capacity) who (a) participated in the preparation of the proposal; **AND** (b) were employees of the Province within twelve (12) months prior to the Submission Deadline.

If the box below is left blank, the proponent will be deemed to declare that (a) there was no Conflict of Interest in preparing its proposal; and (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

Otherwise, if the statement below applies, check the box.

- The proponent declares that there is an actual or potential Conflict of Interest relating to the preparation of its proposal, and/or the proponent foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the RFP.

If the proponent declares an actual or potential Conflict of Interest by marking the box above, the proponent must set out below details of the actual or potential Conflict of Interest:

9. Disclosure of Information

The proponent hereby agrees that any information provided in this proposal, even if it is identified as being supplied in confidence, may be disclosed where required by law or by order of a court or tribunal. The proponent hereby consents to the disclosure, on a confidential basis, of this proposal by the Province to the advisers retained by the Province to advise or assist with the RFP process, including with respect to the evaluation of this proposal.

Signature of Proponent Representative

Name of Proponent Representative

Title of Proponent Representative

Date

I have the authority to bind the proponent.