



Canada Council
for the Arts

Conseil des arts
du Canada

Access to Information and Privacy (ATIP) Services

REQUEST FOR PROPOSAL

1.0 GENERAL INFORMATION & INSTRUCTIONS..... 4

1.1 PURPOSE FOR THE RFP 4

1.2 ABOUT THE CANADA COUNCIL FOR THE ARTS 4

1.3 BACKGROUND..... 4

1.4 ACCEPTANCE OR REJECTION OF PROPOSALS..... 5

1.5 RFP DATES & DEADLINES..... 5

1.6 CONFIDENTIALITY AND COUNCIL’S OBLIGATION 5

1.7 TERMS & CONDITIONS..... 6

1.8 REQUESTS FOR INFORMATION 6

1.9 INSTRUCTIONS 6

2.0 COUNCIL'S REQUIREMENTS 8

2.1 OVERVIEW..... 8

2.2 SERVICE REQUIREMENTS..... 8

2.3 GENERAL TIMEFRAME REQUIREMENTS..... 8

2.4 OTHER REQUIREMENTS 8

3.0 EVALUATION OF THE PROPOSALS 8

3.1 SCORING..... 8

3.2 SHORT-LIST..... 9

3.3 AGREEMENTS WITH SUCCESSFUL FIRMS 9

4.0 WORK TERMS 10

4.1 TASKS 10

4.2 CLIENT SUPPORT 10

4.3 DELIVERABLES AND ASSOCIATED SCHEDULE 11

4.4 OFFICIAL LANGUAGES..... 11

4.5 WORK LOCATION 11

4.6 TRAVEL	11
APPENDIX A - PROPOSAL FORMAT	12
APPENDIX B – PRICING SCHEDULE, RESOURCES & VALUE ADDED	14
B.1 PRICING SCHEDULE	14
B.2 KNOWLEDGE, EXPERIENCE AND CAPABILITY	14
B.3 VALUE ADDED	14

THE CANADA COUNCIL FOR THE ARTS
Access to Information and Privacy (ATIP) Services
REQUEST FOR PROPOSAL

1.0 GENERAL INFORMATION & INSTRUCTIONS

1.1 PURPOSE FOR THE RFP

This request for proposal (RFP) invites individual consultants and consulting firms (the Firm) with expertise in Access to Information and Privacy to submit proposals to provide analysis of documentation for exemptions/exclusion; third party consultations; and preparing release packages within the time parameters of the Access to Information and Privacy Acts to the Canada Council for the Arts (the Council).

1.2 ABOUT THE CANADA COUNCIL FOR THE ARTS

The Canada Council for the Arts contributes to the vibrancy of a creative and diverse arts and literary scene and supports its presence across Canada and around the world. The Council is Canada's public arts funder.

Its grants, services, initiatives, prizes, and payments support Canadian artists, authors, and arts groups and organizations. This support allows them to pursue artistic expression, create works of art, and promote and disseminate the arts.

Through its arts funding, communications, research, and promotion activities, the Council fosters ever-growing engagement of Canadians and international audiences in the arts.

The Council's Public Lending Right (PLR) program makes annual payments to creators whose works are held in Canadian public libraries.

The Council's Art Bank provides the broader public with a collection of over 17,000 Canadian contemporary art works to enjoy through its rental, loan, and dissemination programs.

The Canadian Commission for UNESCO operates under the authority of the Council. It shares a common history and future with the Council in terms of sustainable development characterized by the arts, science, culture, equality, and peace.

For more information in regards to the above-mentioned, please refer to Council's following websites:

- Canada Council for the Arts: <https://canadacouncil.ca/>
- Public Lending Right Program: <https://publiclendingright.ca/>
- Art Bank: <https://artbank.ca/>
- CCUNESCO: <https://en.ccunesco.ca/>

1.3 BACKGROUND

The Council wishes to tender its ATIP services to provide analysis of documentation for exemptions/exclusion; third party consultations; and preparing release packages within the time parameters of the Access to Information and Privacy Acts **while ensuring compliance with the Acts, Regulations and policy instruments**, coordinating responses to all privacy and access to information requests for the Council. Requests cover a range of topics relevant to the Council's mandate and responsibilities.

Frequent topics of interest pertain to the peer assessment process, assessment letters related to specific grant applications, funding to individual professional artists and arts organizations, statistics and contracts related to the administration of the Council's programs and activities. The Council has an average of 15 ATI requests, 20 privacy requests and 6 external consultations from other government institution annually. Approximately 30% of ATI request involve third party consultations requiring extensions. Most privacy requests contain information about other individuals.

1.4 ACCEPTANCE OR REJECTION OF PROPOSALS

It is the intention of the Council to consider the proposals submitted and to not be precluded from negotiating with one, or more than one, of the parties responding to this RFP to finalize technical and commercial terms. **The Council reserves the right to accept any proposal, or any part of a proposal submitted that is deemed, in the sole discretion of the Council, to be the most advantageous to it.**

The proposal having the lowest cost shall not necessarily be accepted and the Council may take into account any criteria in evaluating responses to this RFP. The Council is not obliged to provide reasons to any responding parties with respect to any use of the Council's discretion.

The Council reserves the right, in its sole discretion, to seek further information from, or clarification of, any proposal submitted in response to this RFP, and is entitled to utilize any such information or clarifications received in deciding which proposal it may accept, if at all.

1.5 RFP DATES & DEADLINES

The following schedule will be followed for this RFP:

RFP posted to MERX	January 13, 2021
Deadline for questions regarding the RFP	January 22, 2021, 2:00 pm EST (Ottawa local time)
Deadline for submissions	January 29, 2021, 5:00 pm EST (Ottawa local time)
Presentations or additional requests from short-listed Firm(s) if required	February 5, 2021
Contract negotiations	February 12, 2021
Start of contract	February 19, 2021

Period of Validity of the Proposal: Proposals submitted must remain open for acceptance by the Council for a period of not less than sixty (60) days from the specified closing date.

1.6 CONFIDENTIALITY AND COUNCIL'S OBLIGATION

All information, including the RFP, provided to the Firms shall remain the exclusive property of the Council. As such, all data and information shall be kept strictly confidential and shall not be disclosed to any third party without the express written consent of the Council.

The issuance of this RFP and Council's receipt of any proposal shall not, in any manner, obligate Council to perform any act, incur any liabilities, or reimburse or compensate any Firm for preparation costs or other losses incurred in the preparation of their response to this RFP. Council shall have the right to use, for any purpose, any information submitted in connection with the RFP unless it has been marked Confidential.

Confidentiality agreements or clauses are subject to the [Access to Information Act](#) s. 20(1)(b) and must meet the following four conditions to be treated confidentially.

The information must be:

1. financial, commercial, scientific or technical information;
2. "confidential" - three indicators of confidentiality:
 - the information contained in the record is not available from other sources in the public domain or obtainable by observation or independent study by a member of the public acting on his or her own;
 - the circumstances in which the information originates and is communicated give rise to a reasonable expectation that it will not be disclosed; and
 - the information, whether provided by law or supplied voluntarily, is communicated to the government within a relationship that is either fiduciary or not contrary to the public interest and that will be fostered for the public benefit by confidential communication.;
3. supplied to a government institution by a third party; and
4. treated consistently in a confidential manner by the third party.

1.7 TERMS & CONDITIONS

Successful firm(s) will be required to enter into a one base contract year with two, one-year option years Standing offer with the Council which will embody the terms of this RFP and any subsequent negotiations or clarifications. The Council reserves the right to modify or amend this form of agreement prior to its finalization and execution with the party submitting the successful proposal.

1.8 REQUESTS FOR INFORMATION

Please submit any questions in writing, via email, to the contact below and the Council will respond accordingly. To ensure that all firms receive equivalent information, the Council will post applicable clarification questions and responses on MERX. Deadline for submitting questions is January 22, 2021 at 2:00 pm EST (Ottawa local time).

Enquiries concerning any aspect of this RFP can be directed to:

Contact Name: Joanne Larocque-Poirier

Contact Title: Chief of Staff and Corporate Secretary

Email: Joanne.Larocque-Poirier@canadacouncil.ca

1.9 INSTRUCTIONS

1.9.1 INTENTION TO REPLY TO RFP

Please reply via email (address in section 1.8) that you have reviewed this RFP and of your intention to submit a proposal by January 22, 2021 . A return email address must be shown in the proposal.

1.9.2 RECEIPT OF PROPOSAL

The completed RFP submission shall be received electronically by email on the proposal due date of January 29, 2021 prior to 5:00 pm EST (Ottawa local time). Firms are requested to keep their RFP submission size to under 20 MB. Please indicate the RFP title in the email's subject line.

All proposals must be:

- 1) signed by a duly authorized officer;
- 2) include a statement that the firm has examined and understood the RFP and all addenda (as applicable), and
- 3) state that the Firm has the technical and financial resources and personnel to provide the services as identified in this RFP, and within the [timeframes](#) specified in this proposal.

Consulting firms are responsible for ensuring that submissions are received by the Council prior to the proposal due date and time. Late submissions received after the closing date and time will be disqualified from competition and not evaluated.

1.9.3 FORMS OF PROPOSAL

To ensure that all proposals are uniformly evaluated, they must be submitted in the format prescribed in [Appendix A](#) of this RFP.

The proposal should completely address each element of the Council's requirements as outlined in [Section 2.2 \(Service Requirements\)](#). Changes or enhancements should be clearly identified and explained. The Firm may suggest alternative means beyond the scope of the stated requirements.

All the terms and conditions set forth in the RFP are accepted and incorporated in the proposal unless the proposal specifically takes exception to them.

1.9.4 MODIFICATION OF PROPOSALS

Firms may modify their proposals up to the specified closing date and time.

1.9.5 AMENDMENTS OR WITHDRAWAL OF THE RFP

Correction or clarification to the RFP will be issued in the form of a written addendum to the RFP and will be posted on MERX. No interpretation, correction, clarification or amendment to the RFP shall be binding on the Council unless it is by way of an addendum. Firms must acknowledge receipt of all addenda in their proposal.

1.9.6 RETURN OF PROPOSALS

Unsuccessful proposals will not be returned to the Firm.

2.0 COUNCIL'S REQUIREMENTS

2.1 OVERVIEW

The Council is subject to the Access to Information and Privacy Acts and the [Policy on Access to Information](#), the [Directive on the Administration of the Access to Information Act](#), the [Directive on Privacy Practices](#) and the [Policy on Privacy Protection](#). The main responsibilities of ATIP personnel are processing access to information and personal information requests, performing consultations, preparing responses, and collecting statistics through the utilization of the ATIP management system.

2.2 SERVICE REQUIREMENTS

Provide ATIP personnel services to the Council, by contracting personnel, with a minimum of 5 years ATIP experience, who will have:

- knowledge of *Access to Information and Privacy Acts* and regulations, related Treasury Board of Canada Secretariat guidelines and jurisprudence, and the role of the Offices of the Information and Privacy Commissioners;
- experience working with an ATIP Management System: Access Pro Case Management (APCM) / Access Pro Redaction (APR) and templates;
- ability to analyse and make recommendations for personal information, third-party information (confidential, trade secrets – intellectual property, financial, commercial or technical information); security; operations of government, audits; solicitor-client privilege (ATI s. 16; 19; 20; 21; 22; 23); and information about another individual (Privacy Act s. 26);
- capacity to engage and work collaboratively with different sections of the Council in preparing ATIP requests;
- experience in negotiating information disclosures (orally and in writing) with parties, such as Council employees, requesters, third parties, other government institutions (ATI sections 27, 28, 29 and 33) and/or investigators from the Office of the Information and/or Privacy Commissioner;
- prepare the release packages (responsive documentation and correspondence) for approval by the Chief of Staff and Corporate Secretary, Cabinet Corporate.

2.3 GENERAL TIMEFRAME REQUIREMENTS

Exact timelines will be defined with the successful Firm. However, the following general timeframes are being planned for as follows:

- ATIP personnel services to the Council to commence February 2021

2.4 OTHER REQUIREMENTS

No other requirements.

3.0 EVALUATION OF THE PROPOSALS

3.1 SCORING

All proposals will be rated on the basis of a "points earned" matrix that will involve an analysis of the complete proposal including, but not limited to, such areas as:

- Proposal is submitted according to instructions (Pass/Fail)
- Firm's capability (70%)
 - o [Section A: Executive Summary of the Proposal](#)
 - o [Section B: Profile of the Firm](#)
 - o [Section C: Suitability of the Firm](#)
 - o [Section D: Service Requirements](#)
 - o [Section E: Service Standards](#)
 - o [Section F: References](#)
 - o [Section G: Timeline Requirements](#)
- Firm's pricing schedule (30%)
 - o [Section H: Pricing Schedule, Experience & Value Added](#)
 - o [Appendix B](#)

Firms are required to demonstrate in their proposal that they are able to satisfy the above criteria. Council reserves the right in its sole discretion to request, in writing or orally, clarification of any additional information concerning proposals that are considered responsive.

3.2 SHORT-LIST

A short-list of Firms will be selected on the basis of Council's analysis. Firms on the short-list will be notified in writing and Council reserves the right to request a one-hour presentation to the Council's Selection Committee.

The Council retains complete discretion in deciding which proposals meet the requirements set out in the RFP and what evidence will be considered adequate to indicate compliance with those requirements.

3.3 AGREEMENTS WITH SUCCESSFUL FIRMS

The Council shall enter into negotiations with the successful Firm(s) with a view to finalizing a Standing offer, for services (the contract), on terms acceptable to the Council. The contract shall be for a period of **one base contract year with two, one-year option years** in favour of the Council. The Council reserves the right to cancel the contract at any time if the service does not meet Council's expectations and a 30-day advance notice will be sent.

If an agreement acceptable to the Council is not reached within sixty (60) days after selection of the successful Firm, the Council may disqualify that Firm and re-evaluate the remaining proposals without obligation or claim against the Council.

All proponents will be advised on the results of the RFP, including disclosure of the name of the winning proponent, once the proposals have been reviewed and the final negotiations with the winning proponent have been finalized and agreed. Notifications will be done via an email and/or telephone conversation with all the proponents at the discretion of the Council. Within 15 days after notification of award, unsuccessful proponents may request a debriefing on their proposal to be scheduled at a later date.

4.0 WORK TERMS

4.1 TASKS

With remote access to be provided by the Council, processes ATI and Privacy requests in accordance with ATI and Privacy legislation and Council policy using AccessPro and a Council Outlook account. To ensure data residency, security and confidentiality, all data/documents shall be stored in AccessPro and/or Outlook accounts provided by the Council. The Council standards shall be respected when conducting data manipulation on behalf of the Council, in addition to relevant laws, regulations and policies, including the European Union and UK standards related to privacy and access to information. Data manipulation must be conducted free of embarrassment and in an environment of trust and goodwill. Respondent Rights, includes respecting the rights of children, youth and vulnerable respondents.

Adheres to processes and timelines. Safeguards information protected by Privacy and ATI legislation or other statute/regulation from improper or inappropriate disclosure.

- 4.1.1 Analysis of documentation for exemptions/exclusion.
 - 4.4.1.1 Requires a word by word review of documents
 - 4.4.1.2 Application of the exemption or exclusion by:
 - Redacting the text
 - Identifying the exclusion or exemption
 - Providing an explanation for use of the exclusion or exemption
 - 4.4.1.3 Review the documentation to ensure all information requiring protection is protected
- 4.1.2 Third party consultations (sections 27, 28, 29 and 33): protecting third party information process
 - 4.1.2.1 Analyse documentation to identify requirements for external consultations (information relevant to another government institution, organization or individual). Complex requests require consultations with several parties.
 - 4.1.2.2 Provide third party consultation notices to the:
 - Office of the Information Commissioner (OIC) - a formal written notice is sent to the OIC of requesting extension and rationale
 - Requester - a formal written notice is sent to the requester advising of extension
 - Third Party - a formal written notice is sent to a third party to make representations, in accordance with sections 27 and 28 of the Access to Information Act.
 - provides guidance to third party upon request,
 - negotiates recommendations on the disclosure/non-disclosure of information with third-party(ies).
 - in the instance of a disagreement with the assessment for disclosure, reviews Federal Court applications to verify if the third party made an application for review under section 44 of the *Access to Information Act*.
 - No application – the information is redacted as described in the Council response for release
 - Application – all processing of third party stops and awaits the court decisions for release (document the court application number) and inform the Chief of Staff and Corporate Secretary, Cabinet Corporate.

4.1.3 Providing release packages

4.1.3.1 Extracting the redacted documents from AccessPro

4.1.3.2 Producing a response letter and adjusting the content of the template by:

- providing as much information responsive to the request as possible:
 - terminology;
 - providing links to publicly available information on Council website.
- explaining limitations of the response:
 - address missing documentation/data
 - retention/disposition
 - not available;
 - not collected.

4.2 CLIENT SUPPORT

The Council's Project Authority will:

- provide overall project management authority;
- provide access to the ATIP management system and background documents for tasking;
- provide Council documents and data, as required;
- be the source of final approval and acceptance of all deliverables; and
- provide feedback to the Firm on all deliverables.

4.3 DELIVERABLES AND ASSOCIATED SCHEDULE

Deliverables include ATIP services, contracting of personnel and other related deliverables.

4.4 OFFICIAL LANGUAGES

Work, including tasks and deliverables, will be primarily completed in English; however the consultant must be capable of communicating with third parties in both official languages.

4.5 WORK LOCATION

The work shall be carried out remotely with meetings and consultations conducted as required using MS Teams.

4.6 TRAVEL

No travel outside the NCR will be required. Travel within the NCR will not be reimbursed.

APPENDIX A - PROPOSAL FORMAT

To ensure that all proposals are evaluated equally, the submissions must be divided into the following sections:

SECTION A AN EXECUTIVE SUMMARY OF THE PROPOSAL

SECTION B A PROFILE OF THE FIRM

This section should include:

- company legal name and Canadian address;
- contact information for person responsible for RFP submission;
 - Name, Title, Phone, E-mail
 - Authorized Signature and Date
- website;
- professional memberships;
- number of years in business as a Professional Service Provider firm in Canada;
- number of core customers;
- financial capacity;
- geographical area of operation;
- a brief description of your company, including the number of FTEs (employees versus contract personnel), average length of employment, an organizational chart and a brief resume of each senior manager.
 - Provide details that would be specific to this engagement
- List other if necessary

SECTION C SUITABILITY OF YOUR FIRM

This section should describe in two pages why you feel that the Firm is best suited to serve the Council's contracting for Professional ATIP Services requirements.

Please describe what work the Firm has done in terms of providing Professional ATIP Services with (a) Crown corporation(s), or (b) similar type of agencies and/or organizations, and (c) with organizations working in the arts and culture sector. A demonstrated knowledge and understanding of the arts and culture sector will be a bonus.

The Firm must be able to demonstrate experience in providing providing Professional ATIP services for similar corporations and agencies and should demonstrate Canadian reach.

SECTION D SERVICE REQUIREMENTS

This section should be broken into sub-sections that respond to each of the requirements identified in the [Council's Service Requirements](#) (2.2) of this RFP. The Firm must provide project summaries describing at least two (2) engagements related to each project/service/requirement completed in the past three (3) years and must show experience and qualifications with similar corporations and agencies. The Firm must demonstrate qualifications for each of the requirements and articulate what value they brought to their client through the delivery of that service. The Firm must demonstrate experience in providing providing Professional ATIP type of service.

SECTION E SERVICE STANDARDS

This section should describe the Firm's approach, methodology and accelerators for managing and delivering on project engagements of this nature (based on the examples identified in [Section D](#)).

This section should also address the following:

- Firm's ability to provide a highly personalized, responsive and practical service, and meet established project deadlines;
- Firm's proposal for problem resolution if the proposed work is unsatisfactory;
- Firm's ability to provide a high level of service to Council in both official languages.

SECTION F REFERENCES

Please provide five references of comparable, existing corporate clients including the names of the senior contacts, phone number and email. Summarize the work that was done for their organization and the year(s) the service was provided. At a minimum, three of these references must come from Government of Canada departments, agencies or Crown Corporations. Private sector references may also be provided in addition, if desired.

SECTION G TIMELINE REQUIREMENTS

This section should describe the Firm's ability to meet the timeframes indicated in [Section 2.3](#) and demonstrate availability and capacity to deliver on the Council's service requirements in the timeframe requested.

SECTION H PRICING SCHEDULE, RESOURCES & VALUE ADDED

This section should state the total value of the contract and outline the rates for services for each resource category (see [Appendix B](#) for the roles). Resumes must be provided for each of the roles to demonstrate the Firm's breadth of experience and availability of these resources to immediately start work on the proposed requirements.

Indicate whether your Firm would provide thresholds for pricing influenced by spending or if any additional incentives such as early payment terms or grouped project discounts could apply.

Describe any other value added services that your Firm could provide. Explain where there would be any additional financial advantage if your Firm was awarded work.

APPENDIX B – PRICING SCHEDULE, RESOURCES & VALUE ADDED

As a requirement to complete the Proposal, a pricing schedule must be included.

B.1 PRICING SCHEDULE

To ensure that all proposals are evaluated equally, please provide a rate for each of the roles identified below:

Fee Schedule

	\$/Hour	Daily Rate
Access to Information & Privacy Analyst		
Role		

Note: If additional roles would be required to provide the services requested by the Council, list the role, rate and provide a description of the expected need for that type of resource.

B.2 KNOWLEDGE, EXPERIENCE AND CAPABILITY

It is important to the Council to have competent resources who have been dedicated by their Firm to work with the Council. Describe the resources, including their knowledge, qualifications and experience to provide the services required by the Council. Please provide resumes for each of the roles identified above.

B.3 VALUE ADDED

Indicate whether your Firm would provide thresholds for pricing influenced by spending or if any additional incentives such as early payment terms or grouped project discounts could apply.

Describe any other value added services that your Firm could provide. Explain where there would be any additional financial advantage if your Firm was awarded work.