

# Terms of Reference for the Five-Year Review of the Giant Mine Remediation Project Environmental Agreement

## Objective

The Giant Mine Oversight Board (the “Board”) is seeking a consultant to evaluate and prepare a report on the effectiveness of the Board in achieving its responsibilities under the Giant Mine Remediation Project Environmental Agreement (the “Environmental Agreement”). This review is being undertaken pursuant to Article 9.2 and 9.3 of the Environmental Agreement. The text of the Environmental Agreement can be found at (<https://www.aadnc-aandc.gc.ca/eng/1434642382836/1434642437416>). Details of the breadth of the review are set out in the Scope of Work, below.

## Background

The Board was established as a condition of the Environmental Agreement. This multi-party agreement was signed on June 9<sup>th</sup>, 2015 by the Government of Canada, Government of the Northwest Territories, Yellowknives Dene First Nation, North Slave Métis Alliance, Alternatives North and the City of Yellowknife. These organizations are the “Parties” to the Environmental Agreement. The Board is established as an independent entity administered by a six-member Board of Directors, each appointed by a Party, and incorporated under the *Societies Act* of the Northwest Territories.

Article 2 of the Environmental Agreement provides strategic direction for the Board, laying out the purposes and objectives, while Article 3 features more tactical direction on the things it must consider. Other Articles provide specific direction on how the Board will complete its research, operational and administrative functions.

In general, the Environmental Agreement requires the Oversight Board to:

- review and make recommendations regarding the annual report from the Giant Mine Remediation Project, the Status of the Environment report and the 20-year Independent Project Review report (*note that the last two documents are scheduled to be completed at a later date*);
- participate in and provide advice regarding the process followed by the Giant Mine Remediation Project for assessing options for the management of Baker Creek;
- manage a research program focused on finding a permanent solution for dealing with arsenic trioxide stored underground at the Giant Mine;
- promote public awareness of itself, the Environmental Agreement and the Board’s roles under the Agreement;
- establish a publicly accessible repository of records that it considers relevant to its responsibilities;
- provide all its reports and evaluations to the Parties to the Environmental Agreement and make them available to the public; and
- issue a report and hold a public meeting annually.

The Board has a storefront office located in downtown Yellowknife to support its administrative function and the distribution of public information about its activities and those of the Giant Mine Remediation Project.

S. 9.2 of the Environmental Agreement states that, “The Parties may at any time consider jointly whether:

- (a) the requirements for the annual report and the Status of the Environment Report;
- (b) the composition, bylaws or operations of the Oversight Body; or
- (c) any other elements of this Agreement, including the term of this Agreement

should be changed, with a view to ensuring the prudent management of public resources while maintaining the purposes, objectives and principles stated in Article 2 of this Agreement.”

S. 9.3 of the Environmental Agreement states that “The Parties shall consider jointly the matters referred to in section 9.2 five years after the Effective Date. Thereafter, the Parties shall do so every ten years.”

The purpose of this review is to specifically address s 9.2 and 9.3 of the Environmental Agreement. In addition, the review shall:

- consider the Parties’ general satisfaction with the implementation of the Environmental Agreement;
- consider the Parties’ satisfaction specifically with the performance of the Board and the other Parties’ roles in achieving implementation of the Environmental Agreement;
- provide the Parties the opportunity to make recommendations to improve Environmental Agreement implementation; and,
- as appropriate, recommend possible changes to the Environmental Agreement.

The review will serve to:

- evaluate the organizational effectiveness and performance of the Board;
- document the current situation and any recommended changes to the Environmental Agreement;
- assist the Board in reviewing and adjusting its priorities and approach to Environmental Agreement implementation as necessary; and.
- inform the Board and the Giant Mine Remediation Project co-proponents regarding the Parties’ assessments of their respective roles in Environmental Agreement implementation and ways in which it could improve.

### **Scope of Work**

The period of the contract shall commence by October 26, 2020 and end by December 15, 2020. The consultant’s review will be guided by the Environmental Agreement objectives and requirements described above.

Specifically, the consultant will:

- Develop and describe the methodology that will be used to evaluate how the matters set out in s 9.2 of the Environmental Agreement and the additional matters described above are being met;
- Propose a schedule for the review, including projected deliverable dates and milestones;
- Consider the Board’s achievements to date with regard to its purpose and objectives as set out in Article 2 and its mandate as set out in Article 3;
- Review the Board’s budget priorities and funding allocations to assess the effectiveness of the Board in meeting its obligations;
- Consider the independent nature of the Board and its participation in engagement and input to Giant Mine Remediation Project studies and programs;
- Consider the role of the directors and their respective files (e.g. health, water, etc) and whether there are gaps in expertise that need to be addressed;
- Consider the modes of communication between the Giant Mine Remediation Project and the Board (e.g. formalities vs casual regular meetings);
- Identify areas where the Board has been effective in achieving its mandate;
- Identify areas where the Board is not fully achieving the intent of the Environmental Agreement;

- Provide recommendations focused on developing tools and metrics that will aid future evaluations and focused improvements; and,
- Make observations and suggestions for improvement of any other matters relevant to the Board's operations.

In addition, the review shall:

- Consider the Parties' general satisfaction with the implementation of the Environmental Agreement;
- Consider the Parties' satisfaction specifically with the performance of the Board in achieving the objectives of the Environmental Agreement and the respective responsibilities of the Board;
- Consider the other Parties' fulfilment of their respective and collective responsibilities under the Environmental Agreement;
- Provide all Parties the opportunity to make recommendations to improve Environmental Agreement implementation; and,
- As appropriate, recommend possible changes to the Environmental Agreement.

### **Approach**

In conducting the evaluation of the Board's achievement of its responsibilities under the Environmental Agreement, the consultant will:

- Review past Board performance based on its strategic plan, annual reports, financial statements, public information including community updates, correspondence, workshop reports and other relevant factors, materials and communications. The Board will provide access to documents in its offices and can provide electronic copies where available;
- Develop a plain-language survey questionnaire and interview a selected number of the Board and Party representatives, as well as elders, youth and community members, and other affected individuals and concerned groups knowledgeable about the Environmental Agreement, the remediation project, and the role of GMOB. Organizations interviewed should include the Mackenzie Valley Land and Water Board and directly involved federal and territorial government departments. The survey should consider matters such as awareness, efficacy/utility and any other matters the consultant deems relevant based on the Board's mandate;
- Prepare an initial identification of issues based on preliminary discussions and initial document reviews. Items of focus could include a review of achievements, implementation and performance, and interview results, as a background document for a workshop. These materials, as well as a draft agenda and workshop intentions/ purpose/objectives will be provided in a meeting kit and circulate at least two weeks in advance of the workshop;
- Prepare for, plan, facilitate and deliver a workshop (virtual or in-person depending on COVID-19 restrictions at the time) with Board directors and staff, and Party representatives to review the results, identify priorities and develop recommendations for the Parties and the Board, including possible changes to the Environmental Agreement. Workshop logistics can be the shared responsibility of the consultant and the Board; and,
- Provide a final report of the workshop discussions and final outcomes within two weeks of completion of the workshop, or otherwise as the contract manager may agree.

### **Deliverables**

Key deliverables include:

- A report of the initial discussion/interview results;

- Preparation for and facilitation of the workshop; and,
- A final report that among other things includes a description of the evaluation process, workshop outcomes, key findings and recommendations. The report shall include recommendations aimed at improving Board and Party operations as they relate to the intent of the Environmental Agreement. It should also include recommendations regarding tools and mechanisms to facilitate future evaluations.

## **Budget**

The maximum budget for this project is \$50,000. Consultants should provide their estimate of time required, a detailed anticipated schedule to coincide with the estimated budget and daily rates as applicable. The proposed budget should include contingencies for virtual meetings, in-person events, consultant travel and accommodation as appropriate.

If an in-person workshop is held, the Board will provide logistical support and will cover the costs of meeting room rental and hospitality.

## **Team**

The consultant will provide appropriate information to allow evaluation of the team's qualifications and suitability.

## **Evaluation Criteria**

### **1. Mandatory**

- Evaluation experience including planning, implementing, communicating and reporting to organizations and communities;
- Experience in working in northern cross-cultural environments with a variety of stakeholders and parties with different mandates;
- Experience working in the NWT;
- Experience in workshop planning, facilitation, and delivery including virtual workshops (e.g., Zoom meetings);
- Experience with evaluating organization operations and budgets.

### **2. Non-mandatory**

- Examples of work conducted with a focus on evaluations of organization effectiveness and efficiency;
- Testimonials from past clients;
- Anticipated personnel to be assigned to the project (total number, role, title, experience), including whether team member(s) are Indigenous;
- Project management methodology;
- Cost of services;
- Presence in the NWT;
- Previous experience working with the Parties to the Environmental Agreement, and the Giant Mine Remediation Project.

## **Scoring**

Each proposal will be reviewed to ensure compliance with the stated mandatory requirements. All mandatory requirements must be met. All mandatory requirements will be rated. A rating of 6/10 must be achieved in all mandatory items to be considered compliant. If the proposal meets all mandatory requirements, then the non-mandatory criteria will also be rated.

In terms of relative importance, each criterion is given a pre-assigned weight by which each proposal will be evaluated. Each criterion is rated on a scale of 0 to 10 (see tables

1 and 2, below). Each criterion's rating is then multiplied by the assigned weight to yield a total for that element. Summation of the individual totals yields a total score, which represents the overall degree of satisfaction for the respective submission. This procedure is repeated for each proposal. The highest total score will determine the proposal that potentially provides the best value.

**Table 1: Criteria and Weighting**

<b>Item</b>	<b>Rating Criteria</b>	<b>Assigned Weight (a)</b>	<b>Unit Points Awarded (b)</b>	<b>Total Points (a) x (b) = (c)</b>
<b>Mandatory Criteria (minimum score of 6/10 required for items 1-4)</b>				
1.	Evaluation experience including planning, implementing, communicating and reporting to organizations and communities	10		
2.	Experience in working in northern cross-cultural environments with a variety of stakeholders and parties with different mandates	10		
3.	Experience in workshop facilitation, including virtual workshops (e.g., Zoom meetings);	10		
4.	Experience with evaluating organization operations and budgets	10		
<b>Non-mandatory Criteria</b>				
5.	Examples of work conducted with a focus on evaluations of organization effectiveness and efficiency	10		
6.	Testimonials from past clients	10		
7	Anticipated personnel to be assigned to the project (total number, role, title, experience), including whether team member(s) are Indigenous	50		
8	Project management methodology	20		
9	Budget (lowest to highest rated accordingly)	40		
10	Presence in the NWT	20		
11	Previous experience working with the Parties to the Environmental Agreement, and the Giant Mine Remediation Project	10		
<b>Total Score</b>		200		

**Table 2: Point Allocation**

0	1-3	4-6	7-8	9-10
<p><b>Deficient</b> – the proposal fails to meet the requirements of the applicable RFP references and associated scoring criteria in a suitable and documented manner. The proposal has little merit and fails to demonstrate that the work will be performed in an acceptable manner.</p>	<p><b>Poor</b> – the proposal fails to meet the requirements of the applicable RFP references and associated scoring criteria in a suitable and documented manner. The proposal has some merit, but there are significant weaknesses that could result in unacceptable shortcomings in performance of the work.</p>	<p><b>Fair</b> – the proposal barely meets the requirements of the applicable RFP references and associated scoring criteria in a suitable and documented manner. The proposal has substance but there are weaknesses that could result in tolerable or reasonably correctable shortcomings in performance of the work.</p>	<p><b>Good</b> – the proposal reasonably demonstrates that the requirements of the applicable RFP references and associated scoring criteria are met in a documented and suitable manner. The proposal is comprehensive but there are minor weaknesses that should not significantly impact performance of the work.</p>	<p><b>Excellent</b> – the proposal fully demonstrates that the requirements of the applicable RFP references and associated scoring criteria are met in a documented and suitable manner. There are no apparent weaknesses.</p>