



Kahnawà:ke Environment Protection Office

Kahnawà:ke Iakwat onhontsanónhnhha Tsi Iehi atónhkhwa
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MOHAWK COUNCIL OF KAHNAWÀ:KE



REQUEST FOR PROPOSALS

Kahnawà:ke Environmental Legislation Project August 13, 2021

1. INTRODUCTION / BACKGROUND

The Kahnawà:ke Mohawk Territory is located on the south shore of the St. Lawrence River across from the island of Montreal. The Kahnawà:ke Environment Protection Office (KEPO) is a Unit of the Mohawk Council of Kahnawà:ke. Over the years KEPO has used a variety of approaches to achieve success in protecting the environment including changing mindsets through education and advocacy, scientific monitoring, protection plans, and restoration projects. Environmental damages over the last few decades have demonstrated that environmental legislation must be among the tools used to ensure the protection of the environment for current and future generations. Existing environmental legislation is inadequate to provide environmental protection for Kahnawà:ke. The Sanitary Conditions Law (SCL), first enacted in 1968, has been the main mechanism for inspection authority and provides some very limited protection for land and water. However, this law is outdated (despite some updates in 2012 related to inspectors) and requires a complete revision if it is to offer effective protection. This project must ascertain whether an overhaul of the SCL and its associated policies and regulations would be the most effective means to achieve environmental protection in Kahnawà:ke, or if a new environmental law, regulations and other mechanisms would be more practical and/or more beneficial in the long run.

2. OBJECTIVES

The objectives of the Environmental Legislation Project are to assess existing legislation, identify needs, gaps, overlaps, and risks, and develop an Environmental Legislative Framework that will serve as the roadmap for the development of effective and culturally-appropriate environmental legislation in Kahnawà:ke.

3. SCOPE OF WORK

KEPO is seeking a consultant to achieve the following:

1. Carry out an exhaustive review of all past and present formal environmental protection mechanisms in the community, including laws, regulations, policies, procedures, Mohawk Council Resolutions, Mohawk Council Executive Directives, and best practices.
2. Carry out meetings and interviews with stakeholders in the community to assess gaps and needs for environmental legislation. KEPO will assist in developing the list of stakeholders.
3. Carry out research regarding approaches to environmental legislation in other Indigenous communities and other jurisdictions in Canada in order to evaluate challenges and highlight success stories that may be replicable in Kahnawà:ke.
4. Based on the document review, interviews and research, develop a comprehensive summary of existing legislation relevant to environmental protection in Kahnawà:ke, and identify the gaps and needs for environmental legislation in Kahnawà:ke.
5. Drawing on knowledge of the existing legislation, gaps and needs, and the unique jurisdictional context in Indigenous communities (and Kahnawà:ke specifically), provide recommendations for short-term, medium-term and long-term plans to fill the gaps and meet the needs for environmental legislation in the community. Provide several options and present the pros and cons so the community can choose the most appropriate way forward.
6. Develop an Environmental Legislative Framework to serve as the roadmap to implement the short-term, medium-term and long-term recommendations.
7. Highlight potential risks that may be encountered and benefits to the community of implementing the Environmental Legislative Framework. Identify collaborations and components outside KEPO's scope that would be required to achieve successful implementation. The socio-cultural and jurisdictional context should also be considered in this assessment.
8. Provide all findings in a Draft Report including an executive summary, introduction, objectives, research results, summary of past and present legislation, gaps and needs, risks and benefits, recommendations (short-term, medium-term and long-term), and the Environmental Legislative Framework.
9. Incorporate comments on the Draft Report provided by the project proponents and prepare the Final Report.

4. MEETINGS AND REPORTS

Meetings

The consultant should budget for a minimum of four meetings with the project team. It is also expected that the consultant will remain in close contact with KEPO's project manager and provide a weekly update on project progress. The consultant will provide for several meetings including but not limited to:

- A project startup meeting immediately after the contract is awarded to discuss the methodology, schedule, and logistics, and obtain the relevant documentation.
- A second meeting should be scheduled after the document review has been completed to plan meetings and interviews with relevant stakeholders.
- Other meetings can be scheduled as needed throughout the project to discuss findings and obtain guidance.
- A meeting should be scheduled to present and discuss the draft Environmental Legislative Framework, and a final meeting to present the final Environmental Legislative Framework.

Reports

The draft and final reports will be submitted in **English**. The reports required are:

1. Draft report for comment
 - One electronic copy (editable format) sent via e-mail or ftp site for comments by the project team
2. Final reports
 - Three (3) paper copies (two-sided printing).
 - One electronic copy, including the report, appendices and any relevant raw data in original format

5. SCHEDULE

The work must be planned so that the final reports are submitted no later than March 31, 2022. The consultant can give their impressions regarding the feasibility of the schedule and indicate any tasks considered critical or any delays likely to occur. The proposal must include a detailed schedule setting out the deadlines for performance of the different phases of the project, including the preparatory work, the meetings and production of reports. The following will have to be considered in the preparation of the schedule:

- Startup meeting to be held immediately after the contract is awarded;
- Draft versions of the final reports to be submitted six weeks prior to the end of the mandate, for comments by the project team;
- Final reports to be submitted two weeks after the consultant has received the comments on the draft version (allow two weeks for review by the project team).

6. AVAILABLE CONTACTS AND SUPPORT

The project manager for Kahnawà:ke is:

Lynn Jacobs, Director of Environment Protection
Kahnawà:ke Environment Protection Office
Tel.: 450-635-0600
Email: lynn.jacobs@mck.ca

The Kahnawà:ke project manager is the first person to whom any request for information must be addressed regarding this call for proposals and any other information regarding coordination of the project. Secondary support for the project (when the project manager is not available) is:

Patrick Ragaz, General Manager of Field Science
Kahnawà:ke Environment Protection Office
Tel.: 450-635-0600
Email: Patrick.ragaz@mck.ca

7. SPECIAL REQUIREMENTS

The consultant must be able to speak and write in English fluently. Unless there is prior written authorization by the project managers, no work shall be done in addition to or in replacement of the agreed work.

8. PROPOSAL CONTENT

Proposals shall be emailed to the project manager at lynn.jacobs@mck.ca. **The deadline to submit proposals is Thursday September 9th, 2021 at midnight**. Proposals must include the following components.

Technical component

Provide a summary of the objectives and the proposed work, presenting a prognosis of the possibility of achieving the objectives. Describe in detail the proposed approach and methodology to achieve the objectives and discuss the main difficulties anticipated. It is to the consultant's advantage to provide sufficient precision to demonstrate that they have a good understanding of the scope of the mandate. Include a detailed schedule for the work.

Administrative component

This mandate requires a consultant(s) with expertise in environmental law and in-depth understanding of the unique jurisdictional and cultural context in Indigenous communities in Canada. Clearly describe the competencies and experience in relation to the work to be performed as well as previous experience working with Indigenous communities, and Kahnawà:ke if applicable. The skill set and experience relevant to the mandate will be heavily weighted in the evaluation of the proposals.

Financial component

Produce a task-by-task statement of professional fees and other direct disbursements or costs (including travel and material preparation). Include the total number of hours and hourly rate. Indicate the total cost of the proposed work. Indicate separately the costs for any optional work. Note that the maximum limit for the project is \$55,000. The final contract amount will be dependent on the selected consultant's workplan and time commitment to complete the mandate, as well as an hourly rate that is appropriate to the level of expertise and relevant experience.

9. EVALUATION OF THE PROPOSALS

The proposals will be evaluated based on the criteria set out below.

- The consultants must show that they have relevant education and experience in environmental law and understand the unique jurisdictional context in Indigenous communities in Canada. Specific experience working with Kahnawà:ke would be an asset. The resume of all participants must be provided as well as a clear explanation of the role / assigned tasks for each member.
- A clear understanding of the nature, the scope and complexity of the works to be carried out and of the objectives to attain.
- A precise and structured description of the workload management, schedule, workplan, communications with the client, cost control and the quality control.
- The proposed methodology to perform the work, a description of the different steps, the research, the analysis of options, the method used to select the best options and other procedures, the expected results, the deliverables as well as the timelines. Mention any innovative ideas, the means of meeting the objectives, and show how the work will be planned and performed. Include the proposed format for presentation and selection of options.
- Cost

Selection of the consultant

The proposals will be evaluated on the basis of technical and administrative merit as well as cost. Selection will be made within two weeks of the receipt of the proposals. Note that the lowest cost proposal or any proposal may not necessarily be chosen.