



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

O.R.L.
office of the
registrar
of lobbyists
BRITISH COLUMBIA

REQUEST FOR QUALIFICATIONS

Adjudication Services for the Office of the Information and Privacy Commissioner for British Columbia (OIPC)

Issue Date of RFQ:

January 16, 2019

Closing location:

4th Floor, 947 Fort Street, Victoria, BC, V8V 3K3
PO Box 9038 Stn Prov Govt, BC V8W 9A4

Closing date and time:

Before 2:00 PM Pacific Time on February 28, 2019

OIPC Contact:

Jeannette Van Den Bulk
Deputy Commissioner
JVanDenBulk@oipc.bc.ca
(250) 953-4107

1. Description of the OIPC

The Commissioner is an officer of the Legislature appointed under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and is independent of government. The Commissioner has compliance oversight functions and other duties under FIPPA and the *Personal Information Protection Act* (PIPA). The Information and Privacy Commissioner's core activities with respect to FIPPA and PIPA are investigation, mediation and adjudication of requests for review and complaints. The Commissioner is also the Registrar of Lobbyists under the *Lobbyists Registration Act* (LRA).

2. Purpose of RFQ

This request for qualifications (RFQ) relates to the Commissioner's adjudication functions under FIPPA and PIPA. The purpose of the RFQ is to identify individuals who are interested and qualified to provide adjudication services to the Commissioner.

As the Commissioner's delegate, an adjudicator exercises considerable decision-making authority and is responsible for deciding inquiries and issuing written orders under FIPPA and PIPA. The adjudicator also makes preliminary decisions about substantive and procedural matters pertaining to inquiries.

The adjudicator must exercise independent judgment and decide each case on its merits by considering the evidence and applicable legislation and legal principles, notably administrative law principles. The inquiries often involve complex and controversial evidentiary and legal issues, and the adjudicator's reasons should be able to withstand scrutiny on judicial review by the Supreme Court of British Columbia.

Based on the review of the responses to the RFQ the OIPC intends to establish a List of Qualified Adjudicators who, at the Commissioner's sole discretion, may be asked to enter into a contract for provision of adjudication services. The Commissioner's intention is to enter into contracts with qualified adjudicators on an "if, as and when needed basis". The contracts will be in the range of \$10,000 - \$50,000.

3. Service Areas

The following are the services that the OIPC may require from adjudicators:

- Decide inquiries under FIPPA and PIPA based on written submissions from the parties, taking into account relevant legislation and jurisprudence; and
- Write inquiry orders.

4. Enquiries

All enquiries related to this RFQ are to be directed, in writing, to the contact person identified on the front cover of this RFQ.

5. Closing Date

All responses to the RFQ must be received before 2:00 PM, Pacific Time, on the date and at the address specified on the front cover of this RFQ.

6. How to Submit

Responses must be received by the OIPC in accordance with the procedure set out below.

Responses can be received by email or courier at the address set out on the front cover of this RFQ.

Responses must be addressed to the attention of Jeannette Van Den Bulk, Deputy Commissioner.

Any questions about this process must be directed in writing to Jeannette Van Den Bulk, who will answer only in writing. Communications for this purpose only can be by email. The email address is JVanDenBulk@oipc.bc.ca.

7. Content of Submission

Submissions to the RFQ must be in writing and include, at a minimum, the following:

- The name of the adjudicator who will provide the services; and
- A description of the adjudicator's expertise and experience as it relates to adjudication, FIPPA and PIPA.

8. Pricing

The OIPC pays for adjudication services on an hourly basis. The hourly rate is based on the adjudicator's experience adjudicating and familiarity and expertise in FIPPA and PIPA. The hourly rates are set out in Appendix A.

9. Not a Contract

This RFQ is not an agreement to purchase services. Notice in writing to an adjudicator that he/she has been identified as a qualified adjudicator on the List of Qualified Adjudicators will neither constitute a contract nor give the adjudicator any legal or equitable rights or privileges relative to the this RFQ. Only if an adjudicator and the OIPC enter into a subsequent written and executed contract will the adjudicator acquire any legal or equitable rights or privileges.

The OIPC has no obligation to enter into a contract with any adjudicator on the List of Qualified Adjudicators.

10. List Not Binding

An adjudicator may withdraw his/her name from the List of Qualified Adjudicators by notifying the OIPC in writing. The OIPC may withdraw a name of an adjudicator from the List of Qualified Adjudicators by notifying that adjudicator in writing.

The OIPC reserves the right, in its sole discretion, to:

- retain any adjudicator external to the List of Qualified Adjudicators;
- at any time, cancel, extend, expand or make a call to the market-place to renew the List of Qualified Adjudicators;
- consider requests for inclusion on the List of Qualified Adjudicators at any time during the term of the List. Any such requests will be subject to those adjudicators submitting their qualification information for review in the same manner as originally outlined in this RFQ.

11. Use of List

The List of Qualified Adjudicators will be in effect until March 31, 2024.

The OIPC may, in its sole discretion, from time to time, invite an adjudicator from the List of Qualified Adjudicators to enter into a contract to provide the adjudication services required. The criteria for selecting an adjudicator from the List to enter into a contract will vary, depending upon the requirements of the task, the specific experience and proficiency level of the adjudicator and the adjudicator's availability.

The OIPC has the sole discretion to remove an adjudicator from the List of Qualified Adjudicators for unsatisfactory performance or for failing to meet the requirements for the List of Qualified Adjudicators as set out in this RFQ or as may be communicated by the OIPC from time to time.

12. Confidentiality of Information

Information pertaining to the OIPC obtained by the adjudicator as a result of participation in this RFQ is confidential and must not be disclosed without written authorization from the OIPC.

13. Collection of Personal Information

Personal information is collected through this RFQ process, under the authority of s. 26(c) of *FIPPA* only for the purpose of assessing suitability for possible provision of legal services to the OIPC and will not be used or disclosed for any other purpose.

Personal information will be retained by the OIPC for at least one year after the date on which the OIPC determines which lawyers are qualified to provide legal services to the OIPC.

Any questions about this collection of personal information may be addressed to the contact person at the email address and telephone number above.

January 16, 2019

Jeannette Van Den Bulk
Deputy Commissioner
Office of the Information and Privacy Commissioner

Appendix A – Hourly Rates

YEARS OF EXPERIENCE	HOURLY RATE
1 - 2	\$80
3 - 5	\$100
6 +	\$125

Rates that exceed these amounts must be approved by the Commissioner.