



Request for Proposals

for

Pre-Kindergarten Pilot Program

Request for Proposals No: RFPELCD2022

Date of Issue: May 26, 2022

Submission Deadline: June 6, 2022 @ 11:00 am NT

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DEFINITIONS

AGREEMENT	Contract between the Participating Entities and the Preferred Supplier for the provision of the Deliverables
THE AGENCY	Public Procurement Agency of Newfoundland and Labrador
BUSINESS DAY	Any day other than a Saturday, Sunday or statutory holiday
DELIVERABLES	The set of goods and services sought by the Participating Entities to be provided in accordance with the terms of this RFP during the term of the Agreement
ELIGIBLE PROPOSAL	A Proposal validated by the Province to containing all mandatory submission requirements prepared in accordance with the instructions in this RFP
PREFERRED SUPPLIER	The Proponent of this RFP who enters into a written agreement with the Participating Entities
PROJECT MANAGER	Designated Employee of the Preferred Supplier responsible for ensuring the execution of the Deliverables according to the terms of the Agreement and primary point of contact for the Province
PROPONENT(S)	An individual or a company that submits a Proposal in response to this RFP
PROPOSAL	A Proponent's response to this RFP
THE PROVINCE	Province of Newfoundland and Labrador
QUALIFIED PROPOSAL	A Proposal validated by the Province to satisfy all mandatory technical requirements presented in this RFP (general and product specifications)
RATED CRITERIA	Set of technical performance dimensions used to assess the relative merits of Proposals
RFP	Request for Proposals
SELECTED PROPONENT	The top-ranking Proponent after evaluation with whom the Province will begin negotiations

SUBMISSION DEADLINE

The date and time specified in Section 1.4 – RFP Timetable before which all proposals must be received

PART 1 – INVITATION AND SUBMISSION INSTRUCTIONS

1.1.1 Invitation to Proponents

This Request for Proposals (the “RFP”) is an invitation by the Government of Newfoundland and Labrador to prospective not-for profit organizations to develop, coordinate and implement Pre-Kindergarten Pilot program as further described in Appendix B – RFP Particulars (Section A. The Deliverables).

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 an agreement with the Province. If the Proposal is being submitted jointly 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.

1.2 RFP Contact

To contact the Province in relation to this RFP during the posting periods please contact the person below. The Province will not accept any prospective proponent communications by any other means, except as specifically stated in this RFP.

For the purposes of this process, the “RFP Contact” will be:

Pre-Kindergarten Program at: PreK@gov.nl.ca.

Proponents should only contact the RFP Contact 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 sent via email at: PreK@gov.nl.ca.

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 Contact, concerning matters regarding this RFP. Failure to adhere to this rule may result in the disqualification of the Proponent and the rejection of the Proposal.

1.3 Contract for Deliverables

1.3.1 Type of Contract

The Selected Proponent will be requested to finalize an Agreement for the provision of the Deliverables. The Agreement is To Be Determined following the ranking process.

1.3.2 Term of Contract

The Preferred Supplier will be awarded a contract for one-year to complete the pilot project.

1.4 RFP Timetable

Solicitation	
Issue Date of RFP	May 26, 2022
Deadline for Questions	May 30, 2022 @ 4:30 pm NT
Deadline for Issuing Amendments	May 31, 2022
Submission Deadline	June 6, 2022 @ 11:00 am NT

Evaluation	
Opening of Proposals	June 6, 2022 @ 12:05 pm NT
Ranking of Proposals	June 7, 2022

Negotiations	
Notification to Selected Proponent	June 8, 2022
Execution of Agreement by	June 13, 2022

Dates presented in the RFP timetable are tentative only and may be changed by the Province at any time.

1.5 Submission of Proposals

1.5.1 Method of Submission

Proposals must be submitted electronically in PDF format, through the Government of Newfoundland and Labrador at: PreK@gov.nl.ca.

Proposals submitted by methods other than the above noted email address will not be accepted.

1.5.2 Proponent Inquiries and Responses

All inquiries and requests for clarification from prospective proponents must be submitted through email at: PreK@gov.nl.ca.

1.5.3 Proposals to be Submitted on Time

Proposals must be finalized and received via email at: PreK@gov.nl.ca on or before the Submission Deadline defined in Part 1.4. The attributable time of submission will be determined by the email time signature. Late submissions will not be accepted and will be disqualified as late.

1.5.4 Proposals to be Submitted in Prescribed Format

Proponents shall submit their Proposals as electronic files in the manner described below.

a) Fillable form submission shall consist of three separate fillable forms:

- Fillable Submission Form per Appendix A - Submission Form
- Fillable MTR Form per Appendix B – RFP Particulars (Section D)
- Fillable Rated Criteria Form per Appendix B – RFP Particulars (Section E)

Other than inserting the requested information into the fillable forms, prospective proponents may not make any other changes to the forms. A Proposal that contains any such changes, whether on the face of the form or elsewhere in the Proposal, may be disqualified.

Prospective proponents should refrain from submitting unsolicited materials such as product catalogues, promotional materials or other unsolicited marketing/informational materials with their Proposal. Proposal documents must not contain embedded files or hyperlinks to websites or other documents. Information submitted in this manner will not be considered.

1.5.5 Amendments to Proposals Prior to Submission Deadline

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 Submission Deadline.

1.5.6 Amendments to Solicitation Documents

Proponents are solely responsible for ensuring receipt of, and compliance with, all changes and information issued by way of amendment. The Province shall not be responsible for Proponents who fail to adequately inform themselves.

1.5.7 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. To withdraw a Proposal, a notice of withdrawal must be sent to PreK@gov.nl.ca. The Province is under no obligation to return withdrawn proposals.

[END OF PART 1]

PART 2 – EVALUATION, NEGOTIATION AND AWARD

2.1 Stages of Evaluation and Negotiation

The Province intends to evaluate and make awards at the regional level. The evaluation of Proposals and negotiations will occur in the following stages:

- a) Stage I: Mandatory Submission Requirements
- b) Stage II: Evaluation
- c) Stage III: Ranking and Contracting

2.2 Stage I – Mandatory Submission Requirements

Stage I will consist of a review to determine which Proposals have submitted mandatory submission requirements as set out in Appendix B - RFP Particulars (Section C. Mandatory Submission Requirements) and in accordance to the instructions provided in this RFP.

2.3 Stage II – Evaluation

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

- a) Mandatory Technical Requirements
- b) Rated Criteria

2.3.1 Mandatory Technical Requirements

The Province will review all Eligible Proposals to determine whether the requirements set out in Appendix B – RFP Particulars (Section D.) have been satisfied. All mandatory technical requirements will be evaluated as pass or fail.

Questions or queries on the part of the Province as to whether a Proposal has satisfied the mandatory technical requirements will be subject to the verification and clarification process set out in Part 3.2.5. If a Proposal fails to satisfy the mandatory technical requirements it will be excluded from further consideration.

Eligible Proposals that satisfy all mandatory technical requirements will move forward to the evaluation of rated criteria.

2.3.2 Rated Criteria

The Province will then evaluate all remaining Eligible Proposals according to the rated criteria and procedures set out in Appendix B - RFP Particulars (Section F. Rated Criteria). Proponents will be assigned a score for each rated criterion and a cumulative score for rated criteria to a maximum of 1000 points.

Proposals must meet or exceed the specified minimum performance threshold for each rated criterion. Proposals that fail to meet any minimum performance threshold will be excluded from further consideration.

Proposals that meet or exceed minimum performance thresholds for all rated criteria will advance to ranking and contracting.

2.4 Stage IV – Ranking and Contracting

2.4.1 Ranking of Proponents

After the completion of Stage III, Proponents' will be ranked according to their scores. The Proponent with the highest-ranking Proposal will become the Selected Proponent and receive a written invitation to enter into to finalize an Agreement with the Province.

2.4.1 Pre-conditions of Award

A Selected Proponent will be required to satisfy all pre-conditions of award listed in Appendix B - RFP Particulars (Section F). Therefore, all Proponents should be prepared to provide supporting documentation and respond to related enquiries in a timely fashion.

2.4.4 Failure to Enter into Agreement

If a Selected Proponent is unable to satisfy the pre-conditions of award described in Appendix B – RFP Particulars (Section F), or if an Agreement cannot be finalized between a Selected Proponent and the Province, the Province may, at its sole discretion at any time thereafter, terminate negotiations with a Selected Proponent.

If negotiations with a Selected Proponent are terminated, the Province may invite the next-highest ranked Proponent to enter into negotiations. This process will continue until an Agreement is finalized, until there are no more Qualified Proposals remaining eligible for negotiations, or until the Province elects to cancel the RFP process.

2.4.5 Notification of Negotiation Status

Other Proponents that may become eligible for contract negotiations may be notified at the commencement of the negotiation process with a Selected Proponent.

2.4.6 Notification to Other Proponents

Once an Agreement is executed by the Participating Entities and the Preferred Supplier, the other Proponents will be notified in accordance with the Part 3 - Terms and Conditions.

[END OF PART 2]

PART 3 – TERMS AND CONDITIONS

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.

3.1.2 Deleted

3.1.3 No Incorporation by Reference

The entire content of a Proposal should be submitted in a fixed form, and the content of websites or other external documents referred to in the Proposal but not attached will not be considered to form part of its Proposal.

3.1.4 References and Past Performance

In the evaluation process, the Province may include information provided by the Proponent's references and may also 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 makes no representation, warranty or guarantee as to the accuracy of the information contained in this RFP or issued by way of amendment. Any quantities shown or data contained in this RFP or provided by way of amendment 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.

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.

3.1.9 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 Preferred Supplier. 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 Point of Contact

The RFP Contact listed in Part 1.2 will act as the sole and official contact. Communications from sources other than the RFP Contact shall be considered as unofficial and not binding on the Province. Inquiries by Proponents shall be addressed in the manner described in Part 1 – Invitation and Submission Instructions. The Province is under no obligation to provide additional information, and the Province shall not be responsible for any information provided by or obtained from any other source.

3.2.2 Proponents to Seek Clarification

It is the responsibility of Proponents to seek clarification on any matter it considers to be unclear or is otherwise concerning. The Province shall not be responsible for any misunderstanding on the part of a Proponent concerning this RFP, its processes or requirements.

Proponents shall promptly examine all of the documents comprising this RFP and shall report any potential errors, omissions or ambiguities as inquiries submitted through email at: PreK@gov.nl.ca. Such inquiries must be submitted on or before the Deadline for Questions listed in Part 1.4.

3.2.3 All New Information to Proponents by Way of Amendment

This RFP may be revised only by amendment 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 via amendment. Each amendment forms an integral part of this RFP and may contain important information, including significant changes to this RFP.

All amendments will be issued through email at: PreK@gov.nl.ca. All Proponents will receive electronic notification when an amendment is released.

Proponents are responsible for obtaining and reviewing all amendments issued by the Province. In Appendix A - Submission Form, Proponents should confirm their receipt of all amendments by setting out the number of each in the space provided.

3.2.4 Post-Deadline Amendments and Extension of Submission Deadline

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

3.2.5 Verify and Clarify

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, including but not limited to clarification with respect to whether a Proposal meets the mandatory technical requirements set out in Appendix B – RFP Particulars (Section D). The Province may revisit and re-evaluate a Proposal or its ranking on the basis of any such information. Any information received by the Province from a Proponent shall, if accepted by the Province, form an integral part of the Proposal.

3.3 Notification and Debriefing

3.3.1 Debriefing

Unsuccessful Proponents may request a debriefing within ten (10) business days after the award has been posted. The request must be sent in writing to the RFP Contact. The intent of the debriefing information session is to aid the Proponent in presenting a better proposal in subsequent opportunities. The debriefing process is not for the purpose of providing an opportunity to challenge the process or its outcome.

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 Crown agent or a situation where a public office holder or Crown agent 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 Preferred Supplier is required to immediately disclose to the RFP Contact any commitments, relationships, or financial interests that could, or could be seen to, compromise, impair, or be incompatible with the effective performance of its contractual obligations to the Province.

3.4.2 Unfair Advantage

In relation to this RFP process, Proponents are required to immediately disclose to the RFP Contact 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; and
- (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.

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 an agreement for the Deliverables, Proponents / Preferred Suppliers 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) 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 Contact;
- (d) 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;
- (e) creating barriers to competition through the manner in which it performs its existing contracts;
- (f) failing to provide information within its control or otherwise engaging in conduct obstructive to a fair competitive procurement process.
- (g) engaging in illegal business practices, including bid-rigging, price-fixing, bribery, fraud, coercion, or collusion;
- (h) engaging in any unethical conduct, including lobbying, as described above, or other inappropriate communications;
- (i) offering gifts to any employees, officers, agents, elected or appointed officials, or other representatives of the Province; and
- (j) engaging in deceitful behaviour, including submitting Proposals containing misrepresentations or other misleading or inaccurate information.

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 or rescind an invitation to negotiate an agreement 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 an agreement 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 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, including any subsequent Agreements:

- (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 Agency.

Information pertaining to any Department/User of the Province obtained by the Proponent as a result of participation in this project is confidential and must not be disclosed without written authorization from the applicable Provincial department(s).

Proponents must comply with the relevant privacy legislation of the Province (collectively the “Privacy Legislation”). The Privacy Legislation creates obligations for the Province and its service providers when personal information is collected, used or disclosed. Requirements include limited collection, use, disclosure and retention of any personal information.

For more information regarding the Province’s privacy legislation, please refer to the Newfoundland and Labrador [Access to Information and Protection and Privacy Act \(ATIPP Act\)](#).

3.5.2 Confidential Information of Proponent

This 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*.

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*.

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 Newfoundland and Labrador's Office of the Information and Privacy Commissioner at <https://oipc.nl.ca/guidance/documents>.

3.6 Process Non-binding

3.6.1 No Contract A and No Claims

This process is not intended to create and will not create a formal, legally binding 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 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 in response to this RFP.

3.6.2 No Contract until Execution of Written Agreement

This RFP process is intended to identify prospective Proponents 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 Cancellation

The Province may cancel the RFP process without liability at any time prior to the execution of a written agreement between the Entities and a Proponent.

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 & Labrador and the federal laws of Canada applicable therein.

3.8 Electronic Signature

The Public Procurement Agency, in consideration of section 11 of the *Electronic Commerce Act*, confirms its acceptance of electronic signatures, or other acceptable form of electronic consent, in satisfaction of the signature requirement for quotations. The electronic form of signature or consent must be directly related to the relevant response at issue and must be reliable, in a manner as determined by the Public Procurement Agency, for the purpose of identifying the person submitting the quotation.

3.9 Mandatory Vaccination Policy

By submitting a Proposal, Proponents acknowledge and agree to comply with the Government of Newfoundland and Labrador's mandatory vaccine policy as it pertains to on-site vendors, suppliers, contractors, and volunteers in the event of contract award. The Policy states, in part:

On-site vendors, suppliers, contractors, volunteers

The employer will take the steps required for staff of any current vendors, suppliers, contractors or volunteers who regularly work alongside Provincial Government employees during normal business hours to follow the same vaccination or testing/masking requirements that apply to employees.

The full policy can be viewed at the following link: <https://www.gov.nl.ca/exec/tbs/mandatory-vaccination-policy/>

[END OF PART 3]

APPENDIX A - SUBMISSION FORM [Fillable Form is provided in separate document listed on webpage – the PDF fillable version must be completed and submitted.]

1. Proponent / Respondent Information

Complete the table below by entering the required information for the Proponent / Respondent.	
Full Legal Name of Proponent / Respondent:	
Other Relevant Business Names:	
Street Address:	
City:	
Province/State:	
Postal/Zip Code:	
Phone Number:	
Company Website:	

2. Primary Contact Information

Identify a Primary Contact to represent the Proponent / Respondent during the RFP process and for any necessary clarifications or communications.	
Primary Contact Name:	
Primary Contact Title:	
Primary Contact Phone:	
Primary Contact Email:	

3. Acknowledgment of Non-binding Process

The Proponent/Respondent 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 process does not constitute a formal, legally binding process (and for greater certainty, does not give rise to a Contract A contract), and that no legal relationship or obligation regarding the process of any good or service will be created between the Province and the Entities and the Proponent unless and until the Entities and the Proponent execute a written agreement for the Deliverables.

4. Ability to Provide Deliverables

The Proponent/Respondent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required.

5. Amendment

The Proponent/Respondent is deemed to have read and accepted all amendments issued by the Province. The onus is on Proponents/Respondents to make any necessary amendments to their Proposals/Responses based on the amendments. The Proponent/Respondent is requested to confirm that it has received all amendments by listing the amendment numbers, or if no amendments were received by writing the word "None", on the following lines

_____.

_____.

_____.

Proponents/Respondents who fail to complete this section will be deemed to have received all posted amendments.

6. No Prohibited Conduct

The Proponent/Respondent declares that it has not engaged in any conduct prohibited by this RFP.

7. Disclosure of Information

The Proponent/Respondent hereby agrees that any information provided in this Proposal/Response, 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/Respondent 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/Response.

8. Mandatory Forms and Materials

The Proponent/Respondent encloses as part of the proposal/response the mandatory forms set out in Appendix B – RFP Particulars (Section C. Mandatory Submission Requirements).

9. Signatures

Signature of Witness

Signature of Proponent / Respondent Representative

Name of Witness

Name of Proponent / Respondent Representative

Title of Proponent / Respondent Representative

Date

I have the authority to represent the Proponent / Respondent.

[END OF APPENDIX A]

APPENDIX B – RFP PARTICULARS

SECTION A. THE DELIVERABLES

A.1 Project Overview

As a part of Newfoundland and Labrador’s Canada-wide Early Learning and Child Care Agreement, Canada and Newfoundland and Labrador will work together to build a community-based system of quality, regulated early learning and child care, aiming for all families to have access to high-quality, affordable, flexible and inclusive early learning and child care no matter where they live.

Under the Canada-wide system, Newfoundland and Labrador commits to prioritizing not-for-profit care within the province and encourage the growth of not for profit spaces within the sector. Through the creation and implementation of Newfoundland and Labrador's Pre-Kindergarten program, the province commits to expanding its not-for-profit spaces for 4-year olds by fiscal year 2025 to 2026. It is anticipated that by year 5, 4,000 Pre-Kindergarten spaces will have been created.

Pre-Kindergarten will be a play-based early learning and child care program under the Child Care Act and regulations and would be available for children during the year prior to kindergarten. Newfoundland and Labrador will start rolling out a full-day, full-year, inclusive, and accessible Pre-Kindergarten program in the province in September 2022, with a goal of every 4 year old in the province having access to Pre-Kindergarten by September 2025, no matter where they live.

The Pre-Kindergarten programs will be governed by the Child Care Act, led by early childhood educators and housed in public schools, where space is available. These programs will follow the early learning framework, Navigating the Early Years. There is a school with primary grades within reach of every 4-year-old child in Newfoundland and Labrador, and many schools have capacity and low and/or declining enrollment, which would allow the space to accommodate Pre-Kindergarten programs. Delivering Pre-Kindergarten in schools would be especially important in communities where there are currently few early learning programs.

The objective of Pre-Kindergarten is to help to build a strong early learning foundation so that children will experience success in the school environment and throughout their lives. Children’s experiences in the early years have a substantial impact on their lifelong learning experiences. High quality early learning and child care programs provide developmental opportunities that set children on a positive learning pathway. Opportunities for four-year olds to develop language and social skills in a play-based environment through access to Pre-Kindergarten will support the overall development of children and in turn move towards improving educational outcomes.

Pre-Kindergarten programming will be full time and available year round (including during school breaks and the summer). The Pre-Kindergarten program will be regulated and operate as not-for-profit service and will be able to access all early learning and child care initiatives run by the province, including but not limited to, the Child Care Capacity Initiative, the Quality Enhancement Program, and the Child Care Inclusion Program.

A.2 Background Information

The Government of Newfoundland and Labrador has a long history of providing a range of early learning and child care programs and services for young children and their families, while striving to increase access to affordable, high quality child care.

In 2005, the Department of Education expanded its role to bring early learning and child care into the same ministry as kindergarten to 12, by creating a Division of Early Childhood Learning. In 2014, the Division of Family and Child Development, with a mandate for regulated child care and family resource centres, moved from the Department of Child, Youth and Family Services into the renamed Department of Education and Early Childhood Development. In 2016, the Department implemented full-day kindergarten province-wide. In April 2017, the 2 divisions were merged and the Early Learning and Child Development Division was formed. This division has responsibility for regulated child care and family resource centres. In 2020, the Department acquired post secondary education and became the Department of Education.

Child care for children (birth to thirteen years) is governed by the Child Care Act and Child Care Regulations (2017). The Child Care Act and associated regulations promote healthy child development during the early years and ensure a safe, nurturing and inclusive early learning environment for the children who participate. The legislation promotes economic stability on both a community and a provincial level. It contributes to gender equity, enables parents of young children to participate in the labour market, assists in poverty reduction and helps to build a skilled future workforce. In addition to these benefits, it provides improved developmental outcomes for children who take part in early learning opportunities, especially for the children who are most vulnerable in our society. All regulated child care services must follow the Child Care Act and regulations and meet the minimum required standards to maintain their license.

In Newfoundland and Labrador, the current program available to all four-year-old children is the KinderStart program. This is a transition program offered in the year prior to kindergarten. Four half-day KinderStart sessions are offered throughout the school year. These sessions support children's adjustment to the school environment and provide parents/caregivers with information on how to support their children's learning.

Other programs that four-year-old children can access include regulated child care services, family resource programs, literacy programs and other community based programming. None of these programs are universally available to all four year olds.

A.3 Project Deliverables

A. The not-for-profit organization will be expected to develop, coordinate and implement identified Pre-Kindergarten Pilot sites by March 31, 2023.

Community	Name of School
Bay Roberts	Bay Roberts Primary
Bonavista	Matthew Elementary
Burin	Donald C. Jamieson
Cartwright	Henry Gordon
CBS	Admirals Academy
CBS	Upper Gullies
Corner Brook	J.J. Curling
Corner Brook	Eastside Elementary
Deer Lake	Elwood Elementary
Dunville	St. Anne's Academy
Fogo Island	Fogo Island Central Academy
Fortune	Lake Academy
Gander	Gander Academy
Glovertown	Glovertown Academy
Grand Falls - Windsor	Woodland Primary
Happy Valley-Goose Bay	Peacock
La Scie	Hillside Elementary
Labrador City	A.P Low Primary
Lewisporte	Lewisporte Academy
Mount Pearl	Mary Queen of the World
Paradise	Elizabeth Park
Paradise	Paradise Elementary
Plum Point	Viking Trail Academy
Port Rexton	Bishop White School
Portugal Cove-St. Phillip's	Beachy Cove
Port-aux-Basques	St. James Elementary
St. Anthony	White Hills Academy
St. John's	Bishop Abraham
St. John's	East Point Elementary
St. John's	Roncalli Elementary
St. John's	St. John Bosco
Stephenville Crossing	St. Michael's (Sville Xing)
Topsail, CBS	Topsail Elementary
Torbay	Holy Trinity Elementary
Victoria	Persalvic School Complex

- B. Make an application for a Licence under the Child Care Act and Regulations for all pilot sites within 5 business days of being awarded proposal.
- C. Be operated under Child Care Act and Regulations.
- D. Be operated as a not-for-profit regulated child care service within the Province of Newfoundland and Labrador.
- F. Responsible for hiring of staff with qualification as per Child Care legislation.
- G. Offer additional Pre-Kindergarten sites, as identified by the Department of Education, to be implemented by March 31, 2023.
- H. Participate in consultations and evaluation with the Department of Education; as requested by the Department.

[END OF SECTION A.]

APPENDIX B – RFP PARTICULARS

SECTION B. MATERIAL DISCLOSURES

1. This project is not a considered procurement and the provisions of the Public Procurement Act do not apply.

[END OF SECTION B.]

APPENDIX B - RFP PARTICULARS

SECTION C. MANDATORY SUBMISSION REQUIREMENTS

Each Proposal must include the following forms, completed according to the instructions presented in the RFP.

- a. Fillable Submission Form (Appendix A)
- b. Fillable MTR Form - General Requirements (Appendix B Section D)
- c. Fillable Rated Criteria Form (Appendix B Section E)

[END OF SECTION C.]

APPENDIX B - RFP PARTICULARS

SECTION D. MANDATORY TECHNICAL REQUIREMENTS (General Requirements)

This section presents the general mandatory technical requirements. A fillable form reflecting the requirements of this section will be posted with the RFP for the convenience of Proponents. Using the Fillable MTR Form (general), Proponents must confirm the ability to satisfy all presented requirements and, if successful, demonstrate compliance with these requirements during the term of the Agreement.

Proposals that fail to confirm the ability to satisfy all of the presented requirements will be deemed non-compliant, subject to applicable rectification provisions. Subsequent to award, if a Preferred Supplier fails to adhere to these requirements during the term of the Agreement, its performance will be deemed non-compliant.

Further to Part 3.2.2, it is the responsibility of Proponents to review these requirements carefully and seek clarification from the RFP Contact on any matter it considers to be unclear or is otherwise concerning. The Province shall not be responsible for any misunderstanding on the part of a Proponent concerning this RFP, its processes or requirements.

Mandatory Technical Requirements Fillable Form is provided in separate document listed on webpage – the PDF fillable version must be completed and submitted.

RFPELCD2022 Pre-Kindergarten Pilot Program			
MANDATORY TECHNICAL REQUIREMENTS (GENERAL)		AGREE	
1	Proponents acknowledge that the Selected Proponent shall submit an application for License under the Child Care Act and Regulations for all pilot sites within 5 business days of notification.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
2	Proponents acknowledge that the Preferred Supplier shall operate all Pre-Kindergarten Pilot Program sites in accordance with the Child Care Act and Regulations.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
3	Proponents acknowledge that, on the date of submission, a Proponent shall have demonstrated their history of incorporation compliance as not-for-profit status.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4	Proponents acknowledge that the Preferred Supplier must hold a valid child care Licence and operate as a not-for-profit regulated child care service within the Province of Newfoundland and Labrador.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
5	Proponents acknowledge that the Preferred Supplier shall be responsible for ensuring that staff are qualified in accordance with the Child Care Act and Regulations.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
6	Proponents acknowledge that the Preferred Supplier shall offer additional Pre-Kindergarten sites, as identified by the Department of Education, to be implemented by March 31, 2023.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
7	Proponents acknowledge the Preferred Supplier shall participate in consultations with the Department of Education, as requested by the Department.	<input type="checkbox"/> YES	<input type="checkbox"/> NO

[END OF SECTION D.]

APPENDIX B – RFP PARTICULARS

SECTION E. RATED CRITERIA AND QUESTIONNAIRE

This section presents the rated criteria and procedures that will be used for evaluating Proposals.

Rated Criteria

The following table sets out the rated criteria categories and allocation of points available for each. Proponents will be assigned scores for each criterion that sum to an overall score. Proponents must meet or exceed the minimum point thresholds presented for both the individual criterion and overall scores. Proposals that do not meet the specified minimum thresholds will not proceed to the next stage of the evaluation process.

Further to Part 3.2.2, it is the responsibility of Proponents to review these criteria carefully and seek clarification from the RFP Contact on any matter it considers to be unclear or is otherwise concerning. The Province shall not be responsible for any misunderstanding on the part of a Proponent concerning this RFP, its processes or requirements.

Rated Criteria Category		Pertinent Questions	Maximum Points Available	Minimum Performance Threshold
i.	Experience and References	Q1, Q2, Q3, Q4	300	120
ii.	Project Team and Qualifications	Q5	300	120
iii.	Project Plan and Approach	Q6, Q7, Q8	400	160
Total Points from Rated Criteria			1000	N/A

Rated Criteria Evaluation Scale

Modifier	Label	Description
1.0	Added value demonstrated	Response is compliant and content exceeds expectations.
0.7	Demonstrates criterion	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.
0.0	Major deficiencies	Response is non-compliant and/or content is inconsistent with expectations for a potential Preferred Supplier.

Rated Criteria Questionnaire

Rated criteria will be evaluated through a direct question and answer format. The questionnaire will be posted separately as a Fillable Rated Criteria Form for the convenience of Proponents. All Proponents must complete the questionnaire in full by confirming answering all of the questions according to the instructions below.

Proponents shall provide separate written responses to each of the following numbered items using the Fillable Rated Criteria Form. Proponents should ensure that responses align with requirements set out in Appendix B – RFP Particulars (Section A. The Deliverables) and contain sufficient detail for the evaluation team to evaluate Proponents' applicable expertise, capabilities and procedures.

Proposals that fail to provide a separate response to all questionnaire items will be deemed non-compliant, subject to applicable rectification provisions. Please be advised that responses to questionnaire items that combine multiple questionnaire items into a single response, reference information or text outside the fillable rated criteria questionnaire; contain generic promotional or informational materials or otherwise submit information in a manner inconsistent with the structure of the questionnaire below may not be considered further.

Rated Criteria Questionnaire Items

Q1	Describe your organization’s history and experience as a not-for-profit. The weighted score will reflect experience.
Q2	Describe your organization’s early learning and child care philosophy.
Q3	Outline your not-for-profit organization experiences in making applications for Child Care Licensing, including the number of regulated child care services currently held under Child Care Licensing.
Q4	Demonstrate your not-for-profit organization’s ability to offer Pre-K pilot site(s) within the prescribed time frame, for example, securing materials/equipment for the program. NOTE: Priority will be given to those indicating ability to offer multiple sites.
Q5	Describe your not-for-profit organization’s capacity to add additional sites (as identified by the Department) by March 31, 2023.
Q6	Please describe your approach to identifying and acquiring the human resources required to complete this project.
Q7	Please describe your intended approach to evaluating existing spaces, identifying gaps and renovation planning.
Q8	Please describe your intended approach to quality assurance to ensure programming can be delivered as required for all sites.

[END of SECTION E.]

APPENDIX B - RFP PARTICULARS

SECTION F. PRE CONDITIONS OF AWARD

1. Evidence of incorporation as a not-for-profit organization on or before DATE
2. Evidence of licensure under the Child Care Act and Regulations
3. Letter of Good Standing issued by Workplace NL
4. Evidence of good standing as a not-for-profit organization. NOTE: Preference will be given to proponents who have demonstrated a compliance history as a not-for-profit.
5. ASSET: Demonstration that the organization is willing to develop multiple pilot sites

[END OF SECTION F.]

[END OF APPENDIX B]