eCampusOntario
Request for Proposals

A Portal for Micro-Credential Offerings by post-secondary Institutions in Ontario

Issued: March 26, 2021
Submission Deadline: April 10, 2021 by 4:00 PM EST

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1. Invitation

eCampusOntario invites qualified proponents to submit proposals for the development of a centralized Portal for Micro-Credential offerings by Ontario postsecondary institutions in Ontario.

This RFP includes features for Minimum Viable Product (MVP) and future functionality. Features included in MVP are essential for June 2021 and are the only required components of the RFP; however, proponents also are expected to account for future functionality in their submission.

2. Procurement Process

For the purposes of this procurement process, the "RFP Contact" will be: procurement@ecampusontario.ca

Proponents and their representatives are not permitted to contact any employees, officers, elected or appointed officials, or other representatives of eCampusOntario, 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 proponent's proposal.

2.1 RFP Timetable

March 26, 2021	Issue date of RFP
April 2, 2021	Deadline for Questions *no questions regarding the RFP will be responded to following this date
April 5, 2021	Responses provided
April 10, 2021	Submission deadline
Week of April 12, 2021	Presentations
Week of April 19, 2021	Contract negotiation and anticipated execution of agreement

3. Submission Format

All submissions must be received by email to procurement@ecampusontario.ca and in machine readable PDF format by the posted deadline.

4. Evaluation Process

There will be several evaluation stages to the procurement process.

Stage 1: Mandatory Requirements. Proposals will be reviewed for mandatory requirements and general compliance with the submission requirements. Submissions that do not meet the mandatory requirements may be disqualified.

Stage 2: Round 1 Evaluation: Proposal Review. The Evaluation Committee will evaluate and rank thewritten proposals based on criteria provided to identify the top proponents to be invited to the presentation phase.

Stage 3: Round 2 Evaluation: Presentations. Shortlisted proponents will be invited for a presentation of theirproposed solution, approach, and team. The presentation will be conducted virtually. Key individuals expected to be highly involved in the delivery of the services (e.g. technical lead, product lead) should attend and play a key role in the presentations.

Stage 4: Selection Process The Evaluation Committee will select a preferred proponent based upon the composite assessment of the presentation and the initial written proposal.

4.1 Evaluation Criteria Weighting

Category	Details	Weight
Cost	Development	**35%**
	Training	
Proposal	Implementation Plan with Milestones	**40%**
	Risk Matrix	
	Scope	
	Objectives	
	Project Requirements	
	Functionality	
	Design	
	Technical Architecture	
	Transition plan for internal adoption and maintainance	
Proponent Qualifications	Successful completion of similar projects and/or previous experience inthe PSE sector	**25%**
	References	
	Business history	

5. Statement of Work

5.1 BACKGROUND

The Province launched Ontario's Micro-Credentials Strategy to help Ontarians to retrain and upgrade their skills to facilitate re-entry to the labour market. Improving access to information and registration through the development of an online Portal with a searchable database of offerings is a key element of the Micro-Credentials Strategy. Micro-Credentials may offer a quick pathway to employment, minimizing the amount of time workers are removed from the labour market compared to more traditional credentials, and may offer new skillsets to learners looking to differentiate themselves as candidates when entering the workforce.

To support growth in short-duration training opportunities that support the job-readiness of Ontarians, eCampusOntario is undertaking the development of a centralized "MVP" Portal for micro-credential offerings in Ontario. The MVP Portal will improve access to information by providing a searchable database of Micro-Credentials in Ontario postsecondary institutions and related service information for users.

eCampusOntario is a not-for-profit organization funded by the Government of Ontario that supports Ontario's colleges, universities, and Indigenous institutes (see Section 7: Member Institutions). We build systems that are open, collaborative, and responsive to shifts and opportunities in the educational landscape to connect our campuses to the future of learning.

5.2 PROJECT OBJECTIVES AND SCOPE

5.2.1.MVP vs. VISION FOR MATURE STATE PORTAL FUNCTIONALITY

While eCampusOntario is moving towards the mature state there are substantial time pressures to release an MVP with working features by June 30, 2021. The tight deadline requires eCampusOntario to focus on the immediate needs identified in MVP Portal functionality. These MVP features are the deliverables required in this RFP.

5.2.1.1 MVP Portal Functionality

The design for the Micro-Credential MVP Portal must be contemporary, accessible, and built with required technical and user experience design specifications to enable:

- Voluntary, centralized listings of Micro-Credential program offerings by postsecondary institutions in Ontario listed in Section 7: Member Institutions

- User-centred design through responsive information that addresses the needs of prospective lifelong learners from a variety of functional groups, including:
- Under and unemployed Ontarians seeking to upskill to secure employment
- Workers that have been displaced due to the economic impacts of COVID-19 that have a need to reskill in a new area
- Postsecondary learners seeking to bolster particular skills and competencies to improve their labour market competitiveness
- Active workers with ongoing professional development needs; and,
- Social assistance and Employment Ontario clients with targeted training needs to enable labour market re-entry

- Web analytics that can be used to inform ongoing improvements to the MVP Portal (e.g., use of web analytics and qualitative user research to iteratively improve Portal services).

- Integrated Accessibility Standards of the Accessibility for Ontarians with Disabilities Act [AODA]).

- The eCampusOntario MVP Micro-Credentials portal will be a user-friendly, bilingual (English & French) with simple and clear navigation throughout.

- A searchable database of Micro-Credential offerings that allows users to search by topic, educational provider, skills or competencies certified, occupational cluster, and other dimensions identified through user research and profiles.

- Voluntary creation of user profiles to enable saving of searches, micro-credentials of interest, and other data that will help tailor search results to users' learning needs

Future Functionality

The MVP technical foundation will allow for additional functionalities in subsequent phases of development. While not in scope for this RFP, please include a short description for how you would develop this MVP for future extensibility which could include:

- Seamless or integrated registration in Micro-Credentials programs offered by member institutions listed in Section 7: Member Institutions
- eCommerce functionality to enable users to pay for Micro-Credential tuition via the Portal;
- Links to financial assistance options for Micro-credentials (for example, the Ontario Student Assistance Program)
- Interoperability with existing back-end data collection and reporting systems to enable greater automation, ensure currency of information, and reduce reporting burden for education providers (e.g., Ontario Council on Articulation and Transfer (ONCAT)); to update and enhance the transfer of information and related processes required to update and maintain programming data
- Others as identified through user research or by eCampusOntario.

6. Detailed Portal Functionality

6.1 Functionality for MVP Portal

Functionality	Release	Description
Searchable database of Micro-Credential offerings	MVP	A searchable database of Micro-Credential offerings that allows users to search by topic, educational provider, skills or competencies certified, occupational cluster, and other dimensions identified through user research and profiles.
IT Locking	MVP	Framework for locking during updates, .
IT Privileges	MVP	Implement different roles (eCampusOntario Admin, Learner, Guest) and provide a security framework for the roles and privileges.
Link to Institution	MVP	Provide links to the pages at the institution(s) offering the micro-credential programs.
Program-Finding	MVP	Program-finding search tool will review the repositories

Search Tool		and present to the user a list of objects
Social Media	MVP	Ability to interact with main social mediaplatforms.
System Admin	MVP	User accounts, passwords, etc.
Help	MVP	Help for the user.
Log in	MVP	Needed for saved search criteria.
Reports	MVP	Web analytics to report on Which micro-credentials were viewed, how many links toinstitutions, etc.
Accessibility	MVP	**AODA Compliant**
		World Wide Web Consortium (W3C) standards
		Open Source Initiative (OSI) standards
		Instructional Management System (IMS) global interoperability standards
		Advanced Distributed Learning (ADL) standards
		Universal Design for Learning (UDL) guidelines
		Shareable Content Object Reference Mode (SCORM) interoperability standards
Bilingual	MVP	Supports and services in both French and English

6.2 Functionality for Future Phases

Functionality	Phase	Description
Provides linkages to other government support programs	Future	Ontario Student Assistance Program (OSAP), Employment Ontario services that assists job seekers in finding sustainable employment and registration/institution websites;
The technical foundation to allow for additional functionalities	Future	Seamless or integrated registration in Micro-Credentials programs offered by Ontario member postsecondary institutions as stored in Ontario Council on Articulation and Transfer (ONCAT)
Ability to pay for Micro-credential offerings	Future	eCommerce functionality to enable users to pay for Micro-Credential tuition via the Portal
Interoperability	Future	Interoperability with existing back-end data collection and reporting systems to enable greater automation, ensure currency of information

Content Management Functionality

The proponent should:
Define what content management functionality would support administrators in maintenance and regular updating of portal web pages in both official languages, including publishing, editing, and modifying. Other key requirements include:
- Ease of use for non-programmers, and
- Provision of common templates to support consistent branding.

6.1.1 Program-finding Search Tool
The program-finding function will allow learners to search for current online Micro-Credential offerings in postsecondary institutions in Ontario

6.1.2 Site Analytics
The design of the MC Portal MVP will include:
- Integrated site analytics for MC Portal site administrators.
- Information on visitor demographics, navigation trends and download totals.
- Easy accessibility to eCampusOntario staff.

2. Process for Development and Implementation

eCampusOntario will establish a working group, which will be responsible for oversight of the project. The supplier will consult with the eCampusOntario working group in the design and development of the program-finding search tool, including the creation of functional and technical specifications, and will work collaboratively with representatives chosen by eCampusOntario to pilot test the tool and make amendments to the tool based on feedback from the pilot.
The successful proponent will:

i. Design and develop detailed functional and technical specifications to include:
   - Data Integrity;
       o Data security on collection and transfer
       o Redundancy
       o Scalability

   - Interface designs for: search tool, result and detail pages, learner account management, site-wide language updates and administrative areas; this must include all changes to all user interfaces;
   - Incorporation of branding on all pages within the tool.

ii. Develop and implement solution to search/filter for online Micro-credential offerings

iii. Provide supporting administrative and end-user documentation including:
   - eCampusOntario administration
   - How end-users interact with the syste

3. Project Timeline

Proponents must provide a detailed work plan, including interim milestones and a feasible set of deadline deliverables, including but not limited to:

Date	Description of Milestone and/or Deliverable
May 15, 2021	Completion of at least two design options and navigation architecture for review and selection by eCampusOntario.
May 30, 2021	Completion of portal design and navigation for final approval.
June 15, 2021	Periodic releases of features for testing and review.
June 30, 2021	MC Portal MVP completed and available for launch.

4. Hosting

Proponents are not required to provide hosting and should not include any hosting costs or information in the proposal.

5. AODA Requirements

All features of the system must conform to *WCAG 2.0 Level AA as outlined in the Integrated Accessibility Standards of the Accessibility for Ontarians with Disabilities Act [AODA]).*

6. Security and Privacy Requirements

The proponent acknowledges that eCampusOntario operates as if it were subject to FIPPA and that any information provided to eCampusOntario in connection with this RFP or otherwise in connection with the Agreement may be subject to disclosure consistent with the provisions of that Act.

The Service Provider has a written privacy policy and has completed privacy training with all employees.

Any privacy breach must be immediately reported to eCampusOntario and be treated as a high priority incident.

The Service Provider agrees to adopt a cyber security by design philosophy in accordance with the best practices1 shared by the Ontario Information and Privacy Commissioner.

Service Provider and eCampusOntario should have an aligned privacy breach procedure to evaluate the severity of a possible breach, and clearly define roles and responsibilities in reporting and responding to the breach.

[1] IPC website,http://www.ipc.on.ca/english/Home-Page

7. Proposal Content

The proposal must address all requirements outlined in Project Objectives and Scope. Please use the following outline and numbering scheme to organize the proposal.

7.1 Executive Summary

Identify the strengths of your proposal, challenges you foresee, and any assumptions made.

7.2 Mandatory Requirements

7.2.1 Proposal Form

Complete the declaration that the proponent has read and understands the Terms and Conditions and has authority to sign. The form is found in Section 10 Proposal Submission Form.

7.3 Product Information

7.3.1 Functionality

Describe how your proposal will meet the functionality requirements of MVP Portal

7.3.2 Proposed Software Products

Identify the software products proposed. Identify all components and features.

7.3.3 Software Stack

Describe all software tools required for the proposed solution. Include softwarestack for proposed currently available products and stack to be used for any custom development.

7.3.4 Proposed Development

Identify custom development that will be needed to meet the specific needs of eCampusOntario.

7.3.5 High-level Architecture

Identify components of your proposed solution and interactions with eCampusOntario data sources.

7.3.6 Security & Protection of Privacy

Describe features of the solution that ensure security and protection of privacy.

7.3.7 AODA Compliance

Describe how all components of your solution conform to WCAG 2.0 Level AA as outlined in *the Integrated Accessibility Standards of the Accessibility for Ontarians with Disabilities Act [AODA].*

7.3.8 Bilingualism

Describe how all components of your solution conform to bilingualism (French and English) requirements. Any system components and content accessible to external users of the MVP Portal must be available in both English and French.

7.3.9 Mobile / Browser Compatibility

Describe which common web browsers and versions (for example, MS Edge, Google Chrome, Safari, etc.) are supported by your product.

Detail if support and functionality varies between iOS and Android.

7.3.10 Training / User Guide

Describe the training opportunities for users of the system. Please differentiatebetween learners and administrators.

7.4 Methodology to be Used for the Project

7.4.1 MVP Portal

7.4.2 Project Management

Describe staff, elements of project management, frequency of reporting,and sample report templates.

7.4.3 Risk Matrix

Identify risks and, for each risk, describe possible impact, likelihood andproposed mitigation.

7.4.4 Requirements Refinement

The requirements as identified in this document need further detailed refinement. Describe the methodology and timing for further refining therequirements for the MVP Portal.

7.4.5 Stakeholder Involvement

Identify proposed approaches for engaging eCampusOntario working group in the design, testing and deployment of the MVP Portal.

7.4.6 Testing Protocols

Describe staff, protocols, frequencies and software utilized. Describe all usability and quality assurance processes that will be undertaken to provide arobust portal solution.

7.4.7 Ongoing Maintenance

All systems require ongoing maintenance. Describe the maintenance needs ofyour solution. Identify likely resources, protocols and frequency. Differentiate between maintenance that must be carried out by eCampusOntario staff and maintenance that will require your firm's expertise andresources.

7.5 Project Plan to meet June 30, 2021 Deliverables

7.5.1 Proponent's Timetable

Describe in detail how your MVP Portal solution will be complete and available byJune 30, 2021. Include detailed milestones, potential risks and mitigationmeasures to ensure on-time success.

7.5.2 Roles and Responsibilities for eCampusOntario

Describe in detail what you expect from eCampusOnatrio for successful completionof the project. Identify specific roles and tasks to be completed.

7.6 Financials

Identify all costs, in Canadian dollars, associated with the proposal broken down in the following categories.

Proponents will not be reimbursed for hospitality, travel, incidental or food expenses. Applicable taxes are in addition to all amounts listed.

7.6.1 One-time Costs

7.6.1.1 Software Licenses

Include all components in the software stack.

7.6.1.2 Software Development

7.6.1.3 Implementation Costs

7.6.1.4 Other Costs

7.7 Vendor

7.7.1 Firm Overview

Provide an overview of your business, including number of years in business and financial stability.

7.7.2 Qualifications

Identify the qualifications of your firm to satisfy the unique needs of eCampusOntario

7.7.3 Experience/Project Examples

List no more than three previous engagements that were similar in nature, particularly highlighting any previous work in the higher education sector. Please include the following elements in each of your project examples:
- Description of the previous project;
- Explanation of how it is comparable;
- Description of lessons learned that are relevant to this RFP; and
- Description of how this experience will inform your approach to the development of this portal.

7.7.4 Capacity

Identify the individuals you propose to assign to work on this solution, including their involvement and roles in the previous project examples.

7.7.5 References

Please provide three references. The references should be for like services and preferably from the higher education sector.

Include the following for each reference:

Company Name:	
Company Address:	
Contact Name:	
Contact Telephone and email:	
Date Work Undertaken:	
Services Provided:	

8. Member Institutions

Member Institutions
The following publicly-assisted postsecondary education institutions are members of eCampusOntario

Algoma University	Algonquin College
Brock University	Collège Boréal Cambrian College
Carleton University	Canadore College
Lakehead University	Centennial College
Laurentian University	Conestoga College
McMaster University	Confederation College
Nipissing University	Durham College
OCAD University	Fanshawe College
Queen's University	George Brown College
Royal Military College	Georgian College
Ryerson University	Humber College
Trent University	La Cité collégiale
University of Guelph	Lambton College
Ontario Tech University	Loyalist College
University of Ottawa	Mohawk College
University of Toronto	Niagara College
University of Waterloo	Northern College
University of Windsor	Sault College
Université de l'Ontario français	Seneca College
Western University	Sheridan College
Wilfrid Laurier University	S.S. Fleming College
York University	St. Clair College
Kenjgewin Teg	St. Lawrence College
Six Nations Polytechnic	

9. Roles

At this stage, there are three categories of users: Public, Administrator, and Learner.

Public	All Users
	Public
Administrator	eCampusOntario Super Administrator
	eCampusOntario Administrator
Learner	Learner Guest
	Learner Saved Name
	Learner Authenticated

10. PROPOSAL SUBMISSION FORM

eCampusOntario Request for Proposals (RFP) for an MVP
Portal for Microcredential Offerings by postsecondary Institutions in Ontario

To:

Contact:

Attention: Proponent Information:

Firm Name:	
Address:	
Contact Name:	
Telephone:	
Email:	

Name, title, telephone, and email address of each team member performing the work under this RFP.

Name & Title:			
Tel:		Email:	

Name & Title:			
Tel:		Email:	

Name & Title:			
Tel:		Email:	

Name & Title:			
Tel:		Email:	

(Please attach clearly marked additional pages if necessary.)

Proposal

With respect to the RFP noted above, we confirm as follows:

a) We have examined the RFP Documents and confirm that we have received all pages of the RFP Documents;

b) We have ensured that we have received and examined all Addenda to the RFP Documents;

c) We have made any necessary inquiries with respect to the RFP and any Addenda issued by eCampusOntario;

d) Our Proposal is based on the terms and conditions of the RFP Documents;

e) We acknowledge and accept the obligations set out in the RFP Document;

f) We acknowledge that we have prepared and submitted our Proposal independently and without connection, knowledge, comparison of information or arrangement, direct or indirect, with any other Respondent;

g) We acknowledge that, except as explicitly provided in the RFP Document, the submission of this Proposal creates no legal or contractual obligations or rights on eCampusOntario or the Respondent, all as set out in the RFP Document;

h) We acknowledge that the prices contained in our proposal are based on the terms and conditions of the RFP Document; and

i) We acknowledge and agree that if we are the selected Proponent and if negotiations are successfully concluded with eCampusOntario, we will be invited to enter into an Agreement with eCampusOntario that will be, subject to negotiations.

ACCEPTED AND AGREED BY THE PROPONENT:

Firm Name:	
Date:	
Signature:	
	I have the authority to bind the firm
Name:	
Title or Position:	
Telephone	
Email:	

Conflict of Interest

We represent and warrant that neither we, nor any Proponent team member (if any) have any Conflicts of Interest in submitting our Proposal, except for the following Conflicts of Interest:

Name of Party or Person	Description of Conflict of Interest

(Please attach clearly marked additional rows or pages, if necessary.)

Execution of Proposal Submission Form

In witness whereof, the Respondent has executed this Proposal Submission Form as of the date indicated below.

Firm Name:	
Date:	
Signature:	
	I have the authority to bind the firm
Name:	
Title or Position:	
Telephone	
Email:	

TERMS AND CONDITIONS OF THE RFP PROCESS

11.1 GENERAL INFORMATION AND INSTRUCTIONS

11.1.1 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.

11.1.2 Proposals in English
All proposals are to be in English only.

11.1.3 No Incorporation by Reference
The entire content of the proponent's proposal should be submitted in a fixed form, and the content of websites or other external documents referred to in the proponent's proposal but not attached will not be considered to form part of its proposal.

11.1.4 References and Past Performance
In the evaluation process, ECampusOntario may include information provided by the proponent's references and may also consider the proponent's past performance or conduct on previous contracts with eCampusOntario or other institutions.

11.1.5 Information in RFP Only an Estimate
eCampusOntario and its advisers make no representation, warranty or guarantee as to the accuracy of the information contained in this RFP or issued by way of addenda. Any quantities shown or data contained in this RFP or provided by way of addenda 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 in response to this RFP.

11.1.6 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.

11.1.7 Proposal to be Retained by eCampusOntario
eCampusOntario will not return the proposal or any accompanying documentation submitted by a proponent.

11.2 Communication after Issuance of RFP

11.2.1 Proponents to Review RFP

Proponents should promptly examine all of the documents comprising this RFP, and may direct questions or seek additional information in writing by email to the RFP Contact on or before the Deadline for Questions. No such communications are to be directed to anyone other than the RFP Contact. eCampusOntario is under no obligation to provide additional information, and eCampusOntario is not responsible for any information provided by or obtained from any source other than the RFP Contact. It is the responsibility of the proponent to seek clarification from the RFP Contact on any matter it considers to be unclear. eCampusOntario is not responsible for any misunderstanding on the part of the proponent concerning this RFP or its process.

11.2.2 All New Information to Proponents by Way of Addenda
This RFP may be amended only by addendum in accordance with this section. If eCampusOntario, for any reason, determines that it is necessary to provide additional information relating to this RFP, such information will be communicated to all proponents by addendum. Each addendum forms an integral part of this RFP and may contain important information, including significant changes to this RFP. Proponents are responsible for obtaining all addenda issued by eCampusOntario. In the Submission Form (Appendix B), proponents should confirm their receipt of all addenda by setting out the number of each addendum in the space provided.

Post-Deadline Addenda and Extension of Submission Deadline
If eCampusOntario determines that it is necessary to issue an addendum after the Deadline for Issuing Addenda, ECampusOntario may extend the Submission Deadline for a reasonable period of time.

11.2.4 Verify, Clarify and Supplement
When evaluating proposals, eCampusOntario 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 the Statement of Work. eCampusOntario may revisit, re-evaluate and rescore the proponent's response or ranking on the basis of any such information.

11.3 Notification and Debriefing

11.3.1 Notification to Other Proponents
Once an agreement is executed by eCampusOntario and a proponent, the other proponents may be notified directly in writing and will be notified by public posting, in the same manner that this RFP was originally posted, of the outcome of the procurement process.

11.3.2 Debriefing
Proponents may request a debriefing after receipt of a notification of the outcome of the procurement process. All requests must be in writing to the RFP Contact and must be made within sixty (60) days of such notification.

Dispute
In the event that a Proponent wishes to review the decision of eCampusOntario in respect of any material aspect of the RFP process, the Proponent shall submit a protest in writing to eCampusOntario within ten (10) business days from the date of posting of a contract award notification in respect of the RFP.

Any protest in writing that is not timely received will not be considered and the Proponent will be so notified in writing.
A protest in writing shall include the following:

1. A specific identification of the provision and/or procurement procedure that is alleged to have been breached;
2. A specific description of each act alleged to have breached the procurement process;
3. A precise statement of the relevant facts;
4. An identification of the issues to be resolved;
5. The Proponent's arguments and supporting documentation; and
6. The Proponent's requested remedy.

11.4 Conflict of Interest and Prohibited Conduct

11.4.1 Conflict of Interest
For the purposes of this RFP, the term "Conflict of Interest" includes, but is not limited to, any situation or circumstance where:

a) in relation to the RFP process, the proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having, or having access to, confidential information of eCampusOntario in the preparation of its proposal that is not available to other proponents, (ii) 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), or (iii) 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; or

b) in relation to the performance of its contractual obligations under a contract for the Deliverables, the proponent's other commitments, relationships or financial interests (i) could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or (ii) could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

11.4.2 Disqualification for Conflict of Interest
eCampusOntario may disqualify a proponent for any conduct, situation or circumstances, determined by eCampusOntario, in its sole and absolute discretion, to constitute a Conflict of Interest as defined above.

11.4.3 Disqualification for Prohibited Conduct
eCampusOntario may disqualify a proponent, rescind an invitation to negotiate or terminate a contract subsequently entered into if eCampusOntario determines that the proponent has engaged in any conduct prohibited by this RFP.

11.4.4 Prohibited Proponent Communications
Proponents must not engage in any communications that could constitute a Conflict of Interest and should take note of the Conflict of Interest declaration set out in the Submission Form (Appendix B).

11.4.5 Proponent Not to Communicate with Media
Proponents must not at any time directly or indirectly communicate 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.

11.4.6 No Lobbying
Proponents must not, in relation to this RFP or the evaluation and selection process, engage directly or indirectly in any form of political or other lobbying whatsoever to influence the selection of the successful proponent(s).

11.4.7 Trade Shows on Campus

For the entire period covered by the RFSQ process {the Blackout Period) - from the date the RFSQ is issued to the Date when the winning bid is announced Proponents must not set up trade shows anywhere on eCampusOntario University Campus.

11.4.8 Illegal or Unethical Conduct

Proponents must not engage in any illegal business practices, including activities such as bid-rigging, price-fixing, bribery, fraud, coercion or collusion. Proponents must not engage in any unethical conduct, including lobbying, as described above, or other inappropriate communications; offering gifts to any employees, officers, agents, elected or appointed officials or other representatives of eCampusOntario; deceitfulness; submitting proposals containing misrepresentations or other misleading or inaccurate information; or any other conduct that compromises or may be seen to compromise the competitive process provided for in this RFP.

11.4.9 Past Performance or Past Conduct

eCampusOntario may prohibit a supplier from participating in a procurement process based on past performance or based on inappropriate conduct in a prior procurement process, including but not limited to the following:

a) illegal or unethical conduct as described above;

b) the refusal of the supplier to honour its submitted pricing or other commitments; or

c) any conduct, situation or circumstance determined by eCampusOntario, in its sole and absolute discretion, to have constituted an undisclosed Conflict of Interest.

11.5 Confidential Information

11.5.1 Confidential Information of eCampusOntario

All information provided by or obtained from eCampusOntario in any form in connection with this RFP either before or after the issuance of this RFP

a) is the sole property of eCampusOntario 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 eCampusOntario; and
d) must be returned by the proponent to eCampusOntario immediately upon the request of eCampusOntario.

11.5.2 Confidential Information of Proponent

A proponent should identify any information in its proposal or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by eCampusOntario. The confidentiality of such information will be maintained by eCampusOntario, except as otherwise required by law or by order of a court or tribunal. Respondents are advised that the Freedom of Information and Protection of Privacy Act ("FIPPA"), R.S.O. 1990, c.F.31, as amended, applies to information provided to eCampusOntario by a Proponent and may be the subject of an Access to Information request; eCampusOntario will respond to such requests in accordance with section 17 of FIPPA. Proponents are advised that their proposals will, as necessary, be disclosed, on a confidential basis, to advisers retained by eCampusOntario to advise or assist with the RFP process, including the evaluation of proposals. 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.

11.6 Procurement Process Non-binding

11.6.1 No Contract A and No Claims

This procurement process is not intended to create and will not create a formal, legally binding bidding 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 eCampusOntario 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 submitted in response to this RFP

11.6.2 No Contract until Execution of Written Agreement

This RFP process is intended to identify prospective suppliers 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 eCampusOntario by this RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.

11.6.3 Non-binding Price Estimates

While the pricing information provided in proposals will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the proposals and the ranking of the proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation or ranking or the decision of eCampusOntario to enter into an agreement for the Deliverables.

11.6.4 Cancellation

eCampusOntario may cancel or amend the RFP process without liability at any time.

11.7 Governing Law and Interpretation

These Terms and Conditions of the RFP Process:

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 Ontario and the federal laws of Canada applicable therein.

APPENDIX A- FORM OF AGREEMENT

Proponents are requested to submit their standard contracts for products and services with their responses to this RFP.

Mandatory Contract Requirements include the following:

a) eCampusOntario right to terminate without cause or penalty.
b) eCampusOntario unrestricted usage of intellectual property deliverables resulting from any services agreements.
c) The term of the agreement.
d) eCampusOntario retains ownership of all records and information with regards to the service and the records and information will be used solely for eCampusOntario purpose and no other purpose.
e) Vendor will cooperate with eCampusOntario in fulfilling eCampusOntario FIPPA obligations.
f) Upon termination, Vendor will return to eCampusOntario or securely destroy, and not retain any copies of, any personal or confidential information
g) A certified copy of a liability insurance policy covering public liability, bodily injury and property damage, product liability, contractual liability and cyber liability in amounts satisfactory to, and with a company approved by the Buyer. Such policy shall contain a cross-liability clause or endorsement; an endorsement certifying that the Buyer is included as an additionally named insured; and an endorsement certifying to the effect that the policies will not be cancelled or allowed to expire without thirty (30) days prior written notice to the Buyer.