



# Request for Proposal (RFP) Independent Third-Party Evaluator 5-year Regulatory Evaluation

ADR Chambers—Banking Ombuds Office  
ADR Chambers—Bureau de l’Ombudsman des services bancaires

ADRBO RFP Number
RFP-12487-0121
Release Date
June 25, 2021
Submission Date
July 30, 2021

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## Contact Information

Britt Warlop		Ombudsman	
Email: <a href="mailto:procurement@adr.ca">procurement@adr.ca</a>			
ECB Name: ADR Chambers—Banking Ombuds Office			
Floor #	Unit # /PO 1006	Street # 31	Street Name: Adelaide Street East
City Toronto		Province Ontario	Postal Code M5C 2K4

## PART 1—INFORMATION TO PROPONENTS

### 1.1. Invitation

This Request for Proposal (“RFP”) is issued by the ADR Chambers Banking—Ombuds Office (“ADRBO”). ADRBO is an External Complaints Bodies (“ECB”), approved by the Minister of Finance under the *Complaints (Banks, Authorized Foreign Banks and External Complaints Bodies) Regulations, SOR/2013-48* (the “Regulations”), to the *Bank Act*. This RFP is an invitation to qualified proponents (“Proponents”) to provide Independent Third-Party Evaluation Services (as described below, the “Services”). Proponents are requested to make submissions for the specific considerations described throughout this document, respond where indicated, and submit their responses by email as indicated in section 2.2 (make a “Proposal”). A parallel RFP has been issued by the Ombudsman for Banking Services and Investments (“OBSI”) and in order to be considered, Proponents must also make a submission to OBSI’s RFP, found here: <https://www.obsi.ca/en/about-us/independent-evaluations.aspx>.

ADRBO expressly disclaims any intention to enter into a formal competitive process and expressly disclaims any obligation to any Proponent or the creation of a legal relationship prior to the execution of the Statement of Work.

This RFP and any Proponent submissions do not constitute a commitment by ADRBO to procure the goods or services described herein or the commitment of any Proponent to supply the goods or services described herein. ADRBO shall not be liable for any expenses incurred, including the expenses associated with the cost of preparing responses to this RFP by any Proponent.

ADRBO reserves the right to select one or more Proponents for the completion of the Services. ADRBO makes no guarantee of the value or volume of work to be assigned to the successful Proponent. The

contract executed with the successful Proponent will not be an exclusive contract for the provision of the Deliverables (as described in section 1.4 and Appendix C). ADRBO may contract with others for the same or similar Deliverables to those described in this RFP.

### **No Publicity or Promotion**

No Proponent, including a preferred Proponent, shall make any public announcement or distribute any literature regarding this RFP or otherwise promote itself in connection with this RFP or with any arrangement entered into under this RFP without the prior written approval of ADRBO.

In the event that a Proponent, including a preferred Proponent, makes a public statement either in the media or otherwise in breach of this requirement, in addition to any other legal remedy they may have in law, in equity or within the context of this RFP, ADRBO shall be entitled to take all reasonable steps as may be deemed necessary, including disclosing any information about a Proposal, to provide accurate information and/or to rectify any false impression which may have been created.

### **Personal Information Protection and Electronic Documents Act (“PIPEDA”)**

Each Proponent acknowledges that in submitting a Proposal for this RFP and, if selected, in performing the Services, it may obtain information concerning individuals which information is subject to protection in accordance with applicable legislation and regulations including, without limiting the generality of the foregoing, PIPEDA and any other applicable Act or Regulation. Each party agrees at all times to safeguard any such information in accordance with all such legislation/regulations and to use same solely to comply with its obligations under this RFP and any Statement of Work executed.

### **Law**

The agreements made under this RFP shall be governed by and construed in accordance with the laws in force from time to time in the Province of Ontario. Unless stated otherwise in this RFP, all sums of money are in Canadian Dollars.

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### **1.2. Service Location**

ECB Name: ADR Chambers-Banking Ombuds Office (ADRBO)

Floor #	Unit # /PO 1006	Street # 31	Street Name: Adelaide Street East
City Toronto		Province Ontario	Postal Code M5C 2K4

Email Address: [contact@bankingombuds.ca](mailto:contact@bankingombuds.ca)

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Contact Name Susan Felver or Diane Menanteau	Contact Phone 1-800-941-3655
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### **1.3. Background**

ECBs are the final avenue of appeal in the banking complaints handling process in Canada for banking consumers after the bank’s internal complaint system has been exhausted. The Minister of Finance

approves ECBs in accordance with Section 455 of the *Bank Act*. All banks in Canada must be a member of an ECB.

The *Regulations* provide the conditions for an ECB to maintain their approval and continue to operate to handle complaints. Under subsection 7 (p) of the *Regulations*, approved by the Minister of Finance, ECBs must:

*(p) submit every five years to an evaluation of the discharge of its functions and performance of its activities as an external complaints body that is conducted by a third party in accordance with terms of reference established by the body corporate in consultation with the Commissioner; [the “evaluation”]*

The FCAC provides the oversight function for under the *Bank Act* and *Regulations*, and ECBs must meet the established standards to provide impartial, independent, and accessible services to consumers across Canada in resolving their banking complaints. For this evaluation, the Commissioner of the FCAC, referred to in (p) above, has established a preference to have the same independent third-party evaluator(s) (the “evaluator”) assigned to evaluate both ECBs under similar Terms of Reference (“Terms” or “TORs”) which both ECBs have developed in consultation with the FCAC (See Appendix C).

As discussed in the ECB Report, when it created a multiple-provider framework, the government recognized the need to hold approved ECBs accountable for meeting consistent standards. For reference, these standards are available at the following hyperlinks: [legislation](#), the [regulations](#) and the [FCAC’s CG-13: Application guide for external complaints bodies](#). Where relevant for these 5-year regulatory evaluations, the evaluator may also independently consider the ECB’s performance in light of international best practices, including the recent UN resolution on the role of the Ombudsman (A/RES/72/186), similarly situated ombuds organizations and regulatory frameworks, and principles of natural justice.

## **1.4. Independent Third-Party Evaluation: Description of Work Requirements**

### **1.4.1. Description of Work**

Please see Appendix C for all deliverables under the Terms of Reference.

### **1.4.2. Timeline**

- The work is to be completed between the selection communication date (no later than September 24, 2021) and December 31, 2021 (the “Term”).
- This timeline is subject to any revised timelines as necessary and jointly negotiated between the parties (ADRBO, OBSI, the FCAC and the evaluator).
- The evaluator will provide ADRBO and the FCAC with a copy of the report which will be translated into French and prepared for publication on ADRBO’s website.

### **1.4.3. Invoice**

- When submitting invoices, the evaluator shall present a detailed list of dates and activities conducted in relation to the agreed upon Statement of Work.

### **1.4.4. Location**

As previously stated, this RFP requires the evaluation of ADRBO under subsection 7 (p) of the *Regulations* mentioned in Section 1.3, Background, remotely and in the ECB’s workplace located in Toronto to conduct onsite desk reviews where permitted and if required. Amidst the ongoing concerns

associated with COVID-19, and in the interest of protecting the health of all parties, their employees, and the evaluator(s), the Proponent agrees that at all times as required, that they will abide by the government-mandated protocols in place as established by the Government of Ontario and the Government of Canada as well as by the COVID-19 policies of ADRBO, when conducting any portions of their evaluation onsite.

**1.4.5. Additional Expenses Related to Travel**

There is no reimbursement for any travel, hospitality, or incidental or food expense. Expenses related to travel should be included in the flat rate fee.

**1.4.6. Payment**

Note that payment for this assignment will be made by ADRBO at the rates set out above, provided the Deliverable is satisfactory to the ECB. The ECB may hold back payment or set off against payment if, in the opinion of the ECB acting reasonably, the Proponent has failed to comply with any requirements of the RFP or the written agreement.

**1.4.7. Statement of Work Term**

This Statement of Work shall expire at the end of the Term, being December 31, 2021. This Term may be extended or renewed if deemed necessary by ADRBO and agreed upon with the Proponent. Note that the Term shall in no way, shape or form impact obligations with regards to ongoing Confidentiality or Privacy as under any agreements signed or under any law or regulations, such as PIPEDA.

## PART 2—PROPOSAL ELEMENTS AND SUBMISSION

### 2.2 Submission Requirements and Timeline

Proponents must submit their proposals in accordance with the following timetable and instructions.

<b>Item</b>	<b>Date</b>
RFP release date	June 25, 2021
Questions submitted by	July 9, 2021
Responses to questions provided by	July 16, 2021
Changes to RFP possible until	July 16, 2021
Proposals received by	July 30, 2021
Interview period	August 2-13, 2021
Selection communicated to candidates by	September 24, 2021

The above timetable is a tentative schedule and may be amended by ADRBO at any time.

- Proposals must be electronically submitted to ADRBO to the email address [procurement@adr.ca](mailto:procurement@adr.ca) and the Proponent will receive a confirmation of receipt.
- All proposals must be submitted as a single PDF file.
- Proponents are solely responsible for the delivery of their proposals in the manner and time prescribed.
- Proposals received after the Submission Deadline will be rejected.

### 2.3 Communications During Solicitation Period

- Unless otherwise specified, all enquiries concerning this RFP must be received through Biddingo.com or email address [procurement@adr.ca](mailto:procurement@adr.ca) no later than July 9, 2021.
- ADRBO will post the RFP documents and any associated Addenda on the Biddingo.com electronic tendering site and the ADRBO website (<https://bankingombuds.ca/>).
- ADRBO is under no obligation to provide additional information, and ADRBO will not be responsible for any information provided by or obtained from any source other than Biddingo.com and ADRBO website.
- It is the responsibility of the Proponent to seek clarification from ADRBO prior to the time set out in Part 2 Section 2.2 on any matter it considers to be unclear. ADRBO shall not be responsible for any misunderstanding on the part of the Proponent concerning the RFP or the procurement process. Questions concerning Biddingo.com should be addressed by email to [ebidding@biddingo.com](mailto:ebidding@biddingo.com) or by phone to 416-756-0955.

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## 2.4 Proposal Elements

Proposals should include the following information:

### For All Proponents:

- a. Appendix B—Proponent Submission Form
- b. Mandatory Criteria: documentation indicating that the Proponent meets the Mandatory Criteria as detailed below:
  - The candidate must have the ability and capacity to conduct two External Complaints Bodies evaluations.
  - The candidate must declare that they are free from any real or perceived conflicts of interest and have been, are and will be independent of all parties (ADRBO, OBSI, FCAC and the ECBs' member banks).
- c. Background/Demonstrated Experience: the qualifications of the proposed persons to fulfil the mandate and the resumes of the proposed persons to fulfil the mandate.
- d. Project Proposal: how the Proponent will conduct their evaluation and how they will meet project milestones and deliverables.
- e. Cost: Appendix A—Fee Structure Form and a narrative about the proposed method for the calculation of fees, including proposals that will assist ADRBO to contain costs.

## PART 3—PROPOSAL EVALUATION STAGES

### Stage 1—Mandatory Criteria

Stage 1 will consist of a review to determine which proposals are complete and provide all required information to perform the subsequent stages of evaluation.

All proposals shall include the following mandatory forms:

- Proponent Submission Form
- Fee Structure Form

Only Proponents whose proposals meet the mandatory criteria will proceed to Stage II.

### Stage 2—Evaluation

Stage 2 will consist of scoring by ADRBO of each complete proposal on the basis of the rated criteria. Proponents should refer to the table **EVALUATION CRITERIA** below for a breakdown of the rated criteria at this stage of the evaluation.

#### EVALUATION CRITERIA

Background/Experience		
Criteria	Description	Weighting
Technical expertise	The candidate must demonstrate practical and substantial technical expertise in conducting these types of evaluations and/or financial ombudsmanship/external dispute resolution services.  Substantial experience (10+ years) in practising law, banking, finance and/or investigations is preferred.	20
Knowledge/understanding of financial ombudsman/external dispute resolution schemes	The candidate must demonstrate an understanding of the purpose, role and working processes of financial ombudsman/external dispute resolution services, their standards, and oversight, including the principles of procedural fairness.  Formal training in dispute/conflict resolution, ethics, including the understanding of ethical obligations and the identification of conflicts of interest, and other relevant skill areas are preferred.	20
Knowledge/understanding of banking products/services and the applicable regulatory structures	The candidate must demonstrate substantial experience and/or knowledge of banking products and services in Canada (or similar countries) and the applicable regulatory structures for banks and financial	20

	ombudsman/external dispute resolution services in Canada or other countries with a similar regulatory environment.	
Proposal		
Criteria	Description	Weighting
Proposal/Methodology	The candidate must present a polished, focused, professionally presented proposal that is responsive to the RFP. The candidate must describe how they will conduct their evaluation.	10
Meeting deliverables	The candidate must describe how they will meet project milestones and produce deliverables in a timely manner.	10
Communication skills	The candidate must demonstrate verbal and written communication skills and the ability to draft clear/simple, comprehensive, and independent reports on their findings.	10
Value for money	Self-explanatory	10
<b>TOTAL</b>		<b>/100</b>

### Stage 3—Consultation and Appointment

Proponents may be asked to attend a videoconference interview on weekdays between August 2-13, 2021, between the hours of 9:00 am and 5:00 pm Eastern Standard Time.

Consultation with the other ECB will take place once scoring and interviews are complete. If ECBs are not able to reach a consensus on a common evaluator, the ECBs will send FCAC their qualified proposals and their respective scores. The FCAC will review and recommend one evaluator based on the average total score of the qualified proposals.

Contract terms and conditions will be negotiated upon selection of the successful candidate. All contracts are subject to review by ADRBO legal counsel.

**APPENDIX A— Fee Structure Form**

Please provide your flat rate fee(s) and reference the detailed evaluation tasks outlined in Part 1.4.1

In the event the Services (i.e. the evaluation) cannot be completed due to circumstances outside the evaluator’s control, then a discussion between ADRBBO and the Proponent will determine reasonable and prorated compensation for the Services already performed.

Evaluation task	Flat Rate Fee	Harmonized Sales Tax—HST	Total Charge
<b>TOTAL AMOUNT TO BE CHARGED FOR FULL SERVICES</b>			

I acknowledge that there is no reimbursement for any travel, hospitality, or incidental or food expense.

\_\_\_\_\_  
**Signature of Proponent’s Representative**

I have the authority to bind the Bidder and attest to the accuracy of the information provided in this proposal.

\_\_\_\_\_  
**Authorizer First and Last Name**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date (YYYY/MM/DD)**

## APPENDIX B—PROPONENT SUBMISSION FORM

Please fill out this section, and provide a contact person for the proposal and any clarifications or amendments.

<b>Proponent Profile:</b>	
Full legal name of Proponent: *	
Other relevant name under which the Proponent carries out business:	
Street address:	
City, province/state:	
Postal code:	
Phone number:	
GST/HST or SIN number	
<b>RFP Contact</b>	
Name and title:	
Phone number:	
Mobile number:	
Email:	

*In the case of a Consortium or Joint Venture, Proponents must name the main supplier and other parties that comprise the consortium or joint venture and their legal relationship. If Proponents plan to hire subcontractors, the names of the subcontractors must be listed as well.*

### 2. ACKNOWLEDGEMENT OF NON-BINDING PROCUREMENT PROCESS

The Proponent acknowledges that this procurement process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process is not intended to create and does not create a Contract A bidding process nor any contractual or other legally enforceable obligation, and that there will be no legal relationship or obligations created until ADRBO and the selected Proponent have executed a written agreement.

### 3. ABILITY TO PROVIDE DELIVERABLES

The Proponent has carefully examined the RFP documents and has a clear understanding of the deliverables required under the RFP. The Proponent represents and warrants the ability to provide the deliverables required under the RFP in accordance with the proposal presented for the rates set out in the Appendix A-Fee Structure Form. The Proponent has provided a list of any subcontractors to be hired in

order to complete the proposed agreement. The Proponent encloses herewith, as part of the proposal, the mandatory forms set out below:

FORM	INITIAL TO ACKNOWLEDGE
Proponent Submission Form	
Fee Structure Form	

Note to Proponents: There may be forms required in the RFP other than those set out above. See the Mandatory Criteria section of the RFP for a complete listing of mandatory forms.

#### 4. FEE

The Proponent has submitted rates in accordance with the instructions in the RFP and in **Appendix A— Fee Structure**. The Proponent confirms that the pricing information provided is accurate.

The Proponent confirms its submission represents an all-inclusive figure for the cost of the Deliverables as set in **1.4 Independent Third-Party Evaluation: Description of Work Requirements** including, but not limited to (a) all applicable taxes and duties; and (b) all delivery, insurance, travel and any other overhead or other costs that may be incurred in the provision of the Deliverables.

The Proponent acknowledges that any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of the Proponent’s proposal or eligibility for future work.

#### 5. ADDENDA

The Proponent has read and accepted all addenda issued by ADRBO prior to the Deadline for Issuing Addenda. The onus remains on Proponents to make any necessary amendments to their proposal based on the addenda. The Proponent confirms having received all addenda by listing the addenda numbers or, if no addenda were issued, by writing the word “None” on the following line: \_\_\_\_\_

ADRBO reserves the right to amend this RFP and attached Terms of Reference by issuing an Addendum or posting an amended RFP document at any time prior to July 23, 2021. ADRBO reserves the right to reject any and all parts of the RFP at its discretion by addenda or by posting of an amended RFP document.

#### 6. SUBMISSION TO BOTH ECBS

The proponent acknowledges that for this evaluation, the Commissioner of the FCAC, has established a preference to have the same evaluator( assigned to evaluate both ECBs under similar Terms which both ECBs have developed in consultation with the FCAC.

The Proponent acknowledges that in order to be considered, Proponents must also make a submission to OBSI’s RFP, found here: <https://www.obsi.ca/en/about-us/independent-evaluations.aspx>.

#### 7. CONFLICT OF INTEREST

For the purposes of this clause, the term conflict of interest means:

7.1 in relation to the procurement process, the Proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give the Proponent an unfair advantage, including but not limited to:

- 7.1.1 having or having access to, confidential information of ADRBO in the preparation of the Proponent's proposal that is not available to other Proponents; or
- 7.1.2 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
- 7.1.3 engaging in conduct that compromises, or could be seen to compromise, the integrity of the RFP process; or

7.2 in relation to the performance of its contractual obligations contemplated in the agreement that is the subject of this procurement, the Proponent's other commitments, relationships or financial interests from all parties (ADRBO, OBSI, FCAC and the ECBs' member banks); or

- 7.2.1 could, or could be seen to exercise an improper influence over the objective, unbiased and impartial exercise of the Proponent's independent judgement; or
- 7.2.2 could, or could be seen to compromise, impair or be incompatible with the effective performance of the Proponent's contractual obligations.

If the box below is not checked, the Proponent will be deemed to declare that (a) there was no conflict of interest in preparing the Proponent's proposal; and (b) there is no foreseeable conflict of interest in performing the contractual obligations contemplated in the RFP.

Otherwise, if the statement below applies, check the box.

- The Proponent declares that there is an actual or potential conflict of interest relating to the preparation of the proposal, and/or the Proponent foresees an actual or potential conflict of interest in performing the contractual obligations contemplated in the RFP.

If the Proponent declares an actual or potential conflict of interest by checking the box above, the Proponent must set out details of the actual or potential conflict of interest:

**DISCLOSURE OF INFORMATION**

The Proponent hereby agrees that any information provided in this proposal, 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 hereby consents to the potential disclosure, on a confidential basis, of this proposal or

details of this proposal by ADRBO to the FCAC or OBSI (if applicable) to participate in the evaluation of this proposal and for the selection of a joint evaluator for both Canadian ECBs.

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**Signature of Proponent's Representative**

I have the authority to bind the Bidder and attest to the accuracy of the information provided in this proposal.

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**Authorizer First and Last Name, (Title)**

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**Date (YYYY/MM/DD)**

## APPENDIX C— ADRBO TERMS OF REFERENCE

### Terms of Reference

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5-year third-party evaluation under section 7 (p) of the *Complaints (Banks, Authorized Foreign Banks and External Complaints Bodies) Regulations*, SOR/2013-48, to the *Bank Act* (the “Regulations”)

The ADR Chambers—Banking Ombuds Office (the “ECB”), in consultation with the Financial Consumer Agency of Canada (the “FCAC”), has set the following Terms of Reference, in accordance with section 7 (p) of the *Complaints (Banks, Authorized Foreign Banks and External Complaints Bodies) Regulations*, SOR/2013-48, to the *Bank Act* (the “Regulations”). Under these Terms of Reference, the selected evaluator will:

- a. Evaluate whether the ECB demonstrates accessibility, accountability, impartiality and independence and discharging its functions in a transparent, effective, timely and cooperative manner as per the *Regulations* and considering the Commissioner’s guidance in CG-13;
- b. Evaluate whether the ECB can monitor, identify and report potential non-compliance. Review and make recommendations concerning systemic reporting;
- c. Review the ECB’s policies regarding maintaining the independence of investigators and other members of the Ombuds team;
- d. Review investigators’ experience in applying and understanding of, procedural fairness. Ensure that investigations are being conducted by knowledgeable and experienced investigators and that the resulting reports are clearly written, balanced, thorough, and fair;
- e. Review how principles of active investigations are applied at each stage of the complaint review process, ensuring that all issues that are in mandate are investigated and that due consideration is given to all issues identified (including issues that are not fully developed or presented by the complainant in their submission); Active investigations involve:
  - i. Asking the consumer questions during the intake process;
  - ii. Helping consumers articulate their complaints;
  - iii. Helping consumers understand their rights and responsibilities;
  - iv. Identifying relevant documentation;
  - v. Requesting evidence from consumers and banks; and
  - vi. Providing access to resolution services at no cost without any requirement for legal representation.
- f. Review how principles of active investigations are applied by investigators in seeking areas of mutual agreement. Evaluate whether investigators seek to mediate files and neutrally shuttle offers between the parties where appropriate. Review corresponding mediation policies;
- g. Evaluate the procedures in place to ensure the accuracy and fairness of investigations. Evaluate whether both parties to an investigation have had the opportunity to consider, challenge or contradict any evidence. Review whether both parties were made aware of the nature of the submissions made by the other party at the time of the investigation, such that the proper opportunity to present their own case was afforded to them;
- h. Review whether the right to be heard (*audi alteram partem*) of both parties to a complaint is upheld

throughout the process. Review whether complainants have access to a process that addresses their right to be heard by way of a comments process; and

- i. Review and make recommendations for the handling of matters involving non-financial harm(s) in the ECB's internal procedures and public-facing material.

### **Scope of Evaluation/Methodology**

- a. 100 completed (closed) complaint files;
- b. 50 completed (closed) complaint investigation resulting in final investigative reports to be analyzed in detail, verifying that the resulting investigation reports are clearly written, balanced, thorough, and fair; and
- c. A desk review of ADRBO's current policies and procedures, including interviews with investigators and staff.

The evaluator will consider the following standards (available at the following hyperlinks): the [legislation](#), the [regulations](#) and the [FCAC's CG-13: Application guide for external complaints bodies](#). Where relevant for these 5-year regulatory evaluations, the evaluator may also independently consider the ECB's performance in light of international best practices, including the recent UN resolution on the role of the Ombudsman (A/RES/72/186), similarly situated ombuds organizations and regulatory frameworks, and principles of natural justice.

### **Sampling Instructions and Stratification**

The case review period will be set as two years from the end of the 5-year evaluation review period, and files may be selected from August 31, 2018—August 31, 2020. In order to have a sufficient sample to address the evaluation criteria identified above (in particular d, f, g & h), the following stratification subsets for randomly selected cases have been identified.

#### **a. Case review**

100 randomly selected cases from the case pool of all cases between August 31, 2018—August 31, 2020. The specific case selection will be left to the evaluator though cases selected should reflect the percentage of cases in the case pool. Percentages of each outcome to be reviewed (e.g. settlements, findings in favour of the consumer, out of mandate) will be provided to the evaluator in advance of the evaluation.

#### **b. Investigative reports**

This pool will include 50 randomly selected reports from the case pool of all cases between August 31, 2018—August 31, 2020. Within this sample, a subset of 12 or more of the investigative reports will include a finding in favour of the consumer.

Interviewing parties in appropriate locations/meeting rooms (or by appropriate Zoom, Skype or teleconference method, if required due to the COVID-19 pandemic) during employees' regular scheduled workweek;

### PIPEDA and Documentation

The evaluator will obtain and analyze relevant documentation and other evidence and view physical sites to conduct desk reviews when required.

The evaluator undertakes to organize documents and other evidence in a methodical manner, ensuring a chain of custody where required. The evaluator undertakes to ensure confidentiality and security of information/details throughout the evaluation process consistent with the principles of PIPEDA.

The evaluator will ensure that parties and interviewees have an opportunity to review their individual interview notes and have an opportunity to make additions or changes to text and sign them to confirm accuracy. ADRBO will cooperate with the evaluator and facilitate access to the information needed to carry out the review of these cases and materials.

### Collaboration and Conflicts

ADRBO will work with the Ombudsman for Banking Services and Investments (OBSI) and the Financial Consumer Agency of Canada (FCAC) as a part of a Request for Proposal or negotiated process to select one qualified evaluator that will perform both evaluations. This evaluator will be free from any conflicts of interest and will be independent of all parties (FCAC, ADRBO, OBSI).