

**2004 CANADIAN EVALUATION SOCIETY CASE COMPETITION  
FINAL ROUND CASE**

**INSTRUCTIONS**

Your team has been chosen to compete for a contract to evaluate the Canadian Author Compensation Program. Attached you will find all the necessary project documentation.

Your team will have 5 hours to create a proposal on how you would deal with the various issues that are involved in the proposed evaluation. The team will then have a 30 minute break and present your proposal at ----- (CST). Your team is expected to present for 25-30 minutes followed by a 5-10 minute question period. We look forward to hearing your proposal presentation. Thank you and good luck!

More detailed information is given below.

**1. REQUEST FOR PROPOSALS**

The following is a brief description of a request for proposal (RFP). Contrary to a request to tender, this is a request for proposals, with the objective of developing and submitting to the potential supplier proposals that would make it possible to meet technical, performance and timeframe objectives. The potential supplier may agree to award a contract to carry out the most acceptable proposal, as evaluated using the evaluation factors given in this request.

A RFP is part of a formal process of competitively tendering and hiring a research or evaluation supplier. The RFP usually sets out the objectives or client's information requirements and requests that the proposal submitted by the potential supplier include:

1. A detailed research methodology with justification for the approach or approaches proposed;
2. Phasing or realistic timelines for carrying out the research;
3. A detailed quotation by phase or task;

The client should provide the potential suppliers with the criteria for selection and the relative weight assigned to each one, to assist suppliers in understanding where trade-offs might need to be made between available budget and importance. These criteria also allow the supplier to ensure that all areas deemed important by the client have been addressed as part of the proposal.

## **2. PROJECT**

### **2.1 PROJECT TITLE**

Evaluation of the *Author Compensation Program*

### **2.2 DESCRIPTION**

The program is designed to increase the income and improve the financial situation of Canadian authors, as well as to increase public recognition of their important contribution to safeguarding the cultural identity of Canada.

The Author Compensation Program Commission is composed of representatives of national organizations of writers, translators, librarians and publishers, who are responsible for administering the Author Compensation fund. Title searches in a representative number of libraries determine the Author Compensation payments. In practice, the more libraries that hold a given title by an author, the higher the payment to that author (the number of copies existing in a library is irrelevant: payment is determined solely by the fact that a work can be found there). Every year, the budget envelope is used to set the value of the amount paid for works found in libraries and the maximum amount that an author can receive. In 2003, the latter was \$3,525, and the average amount was \$679.

**Note: Appendix A provides additional information on program profile, objectives and evaluation issues.**

### **2.3 PURPOSE AND OBJECTIVE OF THE EVALUATION**

In June 2003, in its study of the Canadian book industry, the Standing Committee on the Author Compensation Commission recommended “that the Author Compensation Commission initiate an evaluation of the Author Compensation Program with a view to improving this important source of income for Canadian authors, translators and illustrators”. In response to this report, the Canadian government undertook on April 17, 2004 to:

“Initiate an evaluation of the Author Compensation Program Commission to determine the effectiveness of the program in meeting its stated objectives and the efficiency of the program’s administration. Such an evaluation will take into account the impact of the Author Compensation Program on writers, translators and illustrators, eligibility criteria, delivery mechanisms and administrative structure.”

The issues for the Author Compensation Program evaluation are situated at four levels: (1) program relevance, (2) progress made, results achieved and projected future impacts, (3) design, governance and funding of the program, and (4) its cost-effectiveness and alternatives.

**See the “Evaluation” section of the Terms of Reference (Appendix A) for detailed information on each element.**

## 2.4 DESCRIPTION AND SCOPE OF THE WORK

If awarded the contract, the following work will be expected of the successful team.

The consultant will carry out the work listed below:

1. Conduct a comprehensive review of essential documentation related to the Author Compensation Program Commission;
2. Develop a data collection plan citing sources, numbers, etc.;
3. Develop data collection tools;
4. Gather data according to methods chosen;
5. Analyse collected data;
6. Prepare written draft reports on findings, and draft recommendations, with debriefing and oral presentation to working group; and
7. Prepare a final report and oral presentation to the Department officials, as required.

## 2.5 DELIVERABLES

Contract to commence on or about June 11<sup>th</sup>, 2004.

Preliminary meeting with the working team; collection and analysis of essential documentation; submission for approval by the working group of a data collection plan.

(18 June 2004)

Development, approval by working team, and translation of instruments for data gathering.

(2 July 2004)

Completion of data gathering, preliminary analysis and findings, oral presentation.

(3 September 2004)

Draft report of findings and recommendations with an oral presentation.

(1 October 2004)

Final report and, if necessary, oral presentation.

(31 October 2004)

## 2.6 TRAVEL AND MEETINGS

The contractor shall meet with the Project Manager and representatives of the various government departments or agencies involved in the National Capital Region. The contractor shall also be required at a minimum to travel to Montreal and Toronto to meet in person with representatives of the various associations involved.

## **MEETINGS**

The contractor will be expected to meet with the Project Manager of Author Compensation Program and program manager(s) at the beginning of the contract and will be expected to maintain, as a minimum, telephone contact with the evaluation manager throughout the project. The contractor will be expected to attend meetings at key milestones of the project, which would involve providing a project status update, tabling and discussion of draft report, and recommendations to the working group.

## **2.7 GREEN PROCUREMENT AND SERVICES**

The Contractor should make every effort to ensure that all documents prepared or delivered are printed double-sided on Ecologo certified recycled paper or on paper with equivalent post-consumer recycled content, to the full extent to which it is procurable.

## **3. COMMUNICATIONS**

The Contractor shall remain in regular contact with the Project Manager from the Author Compensation Program, either by telephone or in person, to ensure that the project is progressing well.

The contractor will be expected to meet with the Project Manager and the program managers at the beginning of the contract and at specific deliverables. The contractor will be expected to provide periodic updates either in person or via teleconference throughout the duration of the project and at key milestones of the project which would involve providing a project status update, tabling and discussion of draft report, and recommendations.

## **4. LENGTH OF THE CONTRACT**

The project will begin on or about June 11<sup>th</sup>, 2004 and should be completed by October 31<sup>st</sup>, 2004.

## **5. BUDGET**

The estimated maximum cost for this project is \$50,000 (including travel, professional and administrative expenses; excluding GST or HST).

## **6. OFFER OF SERVICE**

Bidders are invited to provide concise proposals. Proposals can be submitted in the preferred official language of the bidder. The proposal shall deal with the following aspects:

- work plan and timetable;
- proposed work methods;
- progress reports.

## 7. SELECTION

Proposals that meet the above requirement will be evaluated against the following rated requirements.

### 7.1 Rated Requirements

A minimum score of 75% overall and of 75% for each category is required for the proposal to be considered responsive and acceptable.

The proposal must include the following elements:

**Project team:** The proposal must demonstrate that the team in place to deliver the project has the necessary research, analysis and presentation capabilities.

**Proposal:** The consultant must demonstrate sound understanding of the work to be carried out as well as rigorous project planning and organization which will ensure that the project will be successfully completed in accordance with the proposed evaluation requirements (see table below).

#### ***Point-Rating Requirements:***

1. Understanding of the work	<ul style="list-style-type: none"><li>- Understanding of the challenge and appreciation of the importance of the project and its objectives</li><li>- Understanding of the place of authors and of libraries in relation to the book industry.</li><li>- Understanding of the role of the Government of Canada in relation to support of the arts.</li></ul>	30 points
2. Technical expertise	<p>Expertise in terms of experience, knowledge and ability to:</p> <ul style="list-style-type: none"><li>- conduct interviews and focus groups</li><li>- prepare and conduct surveys, and analyse survey data</li><li>- research, analyse and summarize existing literature</li><li>- handle copyright issues</li><li>- summarize diverse findings, draw conclusions and make recommendations</li><li>- make oral presentations and produce written reports</li></ul>	40 points
3. Schedule and monitoring	<ul style="list-style-type: none"><li>- Approach that allows for achievement of the initiative's target outcomes</li><li>- Identification of tasks, including allocation of resources to the various tasks</li></ul>	10 points
4. Quality of proposal	<ul style="list-style-type: none"><li>- Complete, concise and clear</li><li>- Originality and creativity</li></ul>	20 points

## 8. SUBMISSION OF PROPOSALS

**Bidders must present on May 16, 2004 at their indicated time. It is the responsibility of the bidders present their proposal at the time indicated for your team on the first page of this document. Proposals will not be accepted without presentation. Only the presentation that is being considered will be notified**

## 9.0. AUTHORITIES

### 9.1 Project Authority

**Project Manager  
Author Compensation Commission  
Ottawa, Ontario**

## 10. BIDDER'S INFORMATION

10.1 The Project Manager of the Author Compensation Program reserves the right to choose the firm that best meets the requirements, as described above, without incurring any obligation to any other firms having responded to this request for proposals. The proposal that is lowest in cost shall not necessarily be chosen.

10.2 It is essential that items 6.0 of the present document be fully described in the proposal. Any failure to provide information shall be to the disadvantage of the bidder.

10.3 The bidder's proposal must conform to the stipulated format. If bidders feel that certain items restrict them in some way, they must indicate this in their proposals. Any deviation from the conditions laid down in this document must be described in detail with supporting arguments.

10.4 The person responsible for the contract reserves the right to accept any proposal without negotiating with the bidder. It is the responsibility of the bidder to obtain all information on the project before bidding.

10.5 No proposal jointly submitted by two or more candidates will be accepted. However, a proposal submitted by one candidate as project lead who subcontracts part of the work to another candidate will be accepted, provided that the potential sub-contractor withdraws from the competition by not submitting a proposal.

10.6 Bids remain valid for *90 days* after the closing date.

## APPENDIX A:

### 1.0 PROFILE OF THE PROGRAM

#### 1.1\_ Context

As a result of substantial pressure from the literary sector and inspired by the trend in favour of author compensation in England, the Government of Canada, in 1976, set up a Author Payment Committee to look into the advisability of compensating authors for the use of their books in libraries. This led to the creation in 1986 of the Author Compensation Program, which remunerates Canadian authors for the presence of their books in Canadian public and university libraries.

The strongest opponents of the concept of author compensation at the time were the country's librarians, who were mainly concerned about protecting their book acquisition budgets. The option of creating an author compensation program that was independent of the Copyright Act was advocated, so as to avoid the conflicts that had shaken the British Parliament regarding this initiative.

After intensive but unproductive negotiations with the provincial governments, which are primarily responsible for public libraries in Canada, the federal government decided to create a federally funded Author Compensation Program.

When the program was designed, it was agreed that:

- Its regime would be based on the number of Canadian books held by Canadian libraries, and perhaps eventually the number of Canadian books that are borrowed. It was understood, however, that no additional administrative burden would be imposed on participating libraries.
- Once the Program was established, the Commission would consider the option of becoming a private not-for-profit corporation authorized by the federal government to receive tax-deductible donations. Under these conditions, the Commission would enter into an agreement with the Government of Canada on the management of the Program and related funds, and also on the measures to be taken to ensure accountability to the Government of Canada. Until this option was implemented, the Commission would use the administrative services of the Government of Canada for purposes of administering the program.

#### 1.2\_ Rationale of the program

The *Copyright Act* recognizes the right of authors to be remunerated for the use of their works. On the strength of such legislation, authors in different countries have asked their governments for compensation for the use of their works in public libraries. In Canada,

the pressure came initially from the Canadian Authors' Association in the 1940s, followed by the Writers' Union of Canada in 1973.

The government was therefore compelled to act in compliance with the spirit of the Act, while not unduly imposing an additional burden on Canadian libraries. The various international copyright conventions did not suggest (as they still do not) any specific mechanism of remuneration to compensate authors for the use of their works in libraries. Where there are compensatory mechanisms under copyright legislation, these have to include a reciprocity or national treatment clause.<sup>1</sup>

In light of the substantial number of books by foreign authors in Canadian libraries and in order to give preference to Canadian authors, Canada, like many other countries, has opted to create a specific program independent of the Copyright Act. In doing so it has chosen to limit the number of recipients (e.g. authors of certain types of books only, exclusion of publishers or authors of other works found in libraries such as sound recordings, films/videos and visual arts) and to make the program a cultural development tool.

### **1.3 Objectives of the program**

The program is designed to increase the income and improve the financial situation of Canadian authors, as well as to increase public recognition of their important contribution to safeguarding the cultural identity of Canada.

### **1.4 Description of the program**

The Author Compensation Program is composed of representatives of national organizations of writers, translators, librarians and publishers, who are responsible for administering the Author Compensation fund. Title searches in a representative number of libraries determine the Author Compensation payments. In practice, the more libraries that hold a given title by an author, the higher the payment to that author (the number of copies existing in a library is irrelevant: payment is determined solely by the fact that a work can be found there). Every year, the budget envelope is used to set the value of the amount paid for works found in libraries and the maximum amount that an author can receive. In 2001, the latter was \$3,525, and the average amount was \$679.

To be eligible for the program, an author must:

- be a Canadian citizen (living in Canada or abroad) or hold Permanent Resident status in Canada ;

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1. National treatment means applying equivalent treatment under comparable circumstances to foreigners and nationals. Reciprocity means that protection granted and recognized to non-nationals is discretionary. It is calibrated, affirmed and determined based on the protection offered to nationals in this country.

- have his or her name on the title page of a given work or, for a contributor to an anthology, in the table of contents;
- have contributed to at least 10% of the length of the book.
- There must be no more than six contributors to the title (excluding editors and translators but including illustrators and photographers).

There are further specific criteria for editors, translators and illustrators/ photographers.

A title is eligible if it is:

- at least 48 pages in length, or in the case of children's literature, at least 24 pages;
- a printed work that has an ISBN ;
- a book of poetry, drama, fiction, short stories, children's literature, or "non-fiction", except for certain exclusions.

To receive a payment, two conditions have to be met: the title must be eligible and it must be found in at least one library of those sampled. The sample consists of a combination of public and university libraries, ten English and five French. Author compensation payments are made to the order of the author only.

The author compensation program was evaluated in 1989-90. The conclusions of this evaluation were as follows:

- The stated objectives as presented to have been entirely and effectively achieved.
- The means initially chosen to attain these objectives continue to be relevant: they should be enlarged upon, communication should be improved, and a more stable and eventually more autonomous legal structure should be established rather than attempting to change the Program substantially.
- In the budgetary context of the first three years, the resources allocated at the beginning of the program, which have since been increasing, have been sufficient for the program to establish "a critical mass": the recipients are being effectively served by the Program, and its administrative costs are on the low side of what is acceptable for such a program.
- Taking into account the effectiveness, relevance and importance of the program in the Canadian political context, in the context of the development of our cultural industries, and in terms of strengthening our Canadian cultural identity in light of the Free Trade Agreement, supplementary resources which could and should be

- applied to the program will serve to increase its positive impact, and should be seen as an investment by the government rather than as an expense.
- The context in which the program was developed has not substantially changed over the last three years of its implementation. However in the present context of free trade with the United States and the regrouping of industry and business, it has become even more relevant.
  - As for the future, this type of program will be one of the direct consequences of the broad opening of our economic borders which we will have to live with and maintain, in addition to what is necessary to maintain a healthy cultural life in Canada.

The authors of the 1989-90 evaluation study concluded that the program provides “an example of what can effectively strengthen Canadian cultural industry, notably at the level of our primary resources which are the creators, as we open our economic borders”. They went on to say:

“Keeping in mind the initial objectives as stated by the federal government, the Program should as a result and in the opinion of the authors of this study, be maintained, be enlarged and **be given a greater autonomy**. Thus it can continue to improve its administration, the efficiency of its communications with its clients, and its ability to constantly adjust its methods and actions within the changing context of cultural support programmes in Canada as in certain provinces.”

## **2.0 PROGRAM OBJECTIVES**

The Author Compensation Program contributes mainly to the achievement of the objective of building capacity, which is defined as follows:

Building capacity: Community, institutional and industrial capacity and infrastructure to sustain and promote Canada’s cultural diversity and social cohesion.

One of the Program’s commitments regarding this objective is “to provide Canadians with support for a more diverse and sustainable cultural sector”. It has identified a number of key results that would allow it to meet this commitment, including the creation by the public and private sectors of an environment favourable to the arts, culture, heritage and sport. The Author Compensation Program has been identified as one of the means of achieving this key result.

## **3. EVALUATION ISSUES**

The issues for the Author Compensation Program evaluation are situated at four levels: (1) program relevance, (2) progress made, results achieved and projected future impacts,

(3) design, governance and funding of the program, and (4) its cost-effectiveness and alternatives.

### **3.1 Relevance of the program**

The evaluation will aim first of all to determine the relevance of the Author Compensation Program with respect to:

- the Government's strategic objectives;
- the Commission's strategic objectives;
- the target objectives at the time the program was created;
- the national context, in particular:
  - provincial versus federal responsibilities;
  - expectations of the cultural sector (authors, translators, illustrators, librarians, book, magazine and newspaper publishers, producers of sound recordings, etc.);
  - impact of new technologies such as talking, online or electronic books;

### **3.2 Progress made, results achieved and projected future impacts**

Secondly, this evaluation will serve to assess the progress made and results achieved by the Author Compensation Program and impacts foreseen in the future. Here are the more specific questions that the evaluation will try to answer:

- To what extent has the program made it possible to offset the loss of income to authors on account of the use of their books in libraries? How has it affected authors' incomes and their ability & desire to continue writing?
- Has the Author Compensation Program had any structural or organizational effects on Canadian authors, publishers and librarians?
- Have there been any unforeseen effects?
- What should the role of libraries and publishers be in the context of this program?

### **3.3 Design, governance and funding of the program**

The evaluation will also address the program's design, governance and funding by answering the following questions:

- To what extent does the administration and use by the Author Compensation Commission of funds allocated to the Author Compensation Program serve to maximize achievement of the program's objectives?
- Is the system for estimating the amounts granted to each author (i.e. counting titles held by libraries as opposed to the actual number of loans) still appropriate?
- Are the level of funding and the mechanism for factoring in growth of needs adequate? What are the alternatives?

- Is the communication strategy used to promote the program relevant and effective?

### **3.4 Cost-effectiveness and alternatives**

Finally, the evaluation will determine whether there are more cost-effective ways of achieving the same results. Here are a few specific questions that will help you respond on this issue:

- Does the administration and use of funds by the Author Compensation Commission make it possible to achieve the program's objectives in the most effective manner possible?
- Are there other more effective and efficient ways of achieving the objectives?