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Place du Portage, Phase III

Core 0A1 / Noyau 0A1

Gatineau, Québec K1A 0S5

Bid Fax: (819) 997-9776

Revision to a Request for a Standing Offer

Révision à une demande d'offre à commandes

National Master Standing Offer (NMSO)

Offre à commandes principale et nationale (OCPN)

The referenced document is hereby revised; unless otherwise indicated, all other terms and conditions of the Offer remain the same.

Ce document est par la présente révisé; sauf indication contraire, les modalités de l'offre demeurent les mêmes.

Comments - Commentaires

Vendor/Firm Name and Address

Raison sociale et adresse du
fournisseur/de l'entrepreneur

Issuing Office - Bureau de distribution

Training and Specialized Services Division/Division
de la formation et des services spécialisés
11 Laurier St. / 11, rue Laurier
10C1, Place du Portage
Gatineau, Québec K1A 0S5

Title - Sujet Fairness Monitoring Services	
Solicitation No. - N° de l'invitation EP737-122873/B	Date 2013-01-21
Client Reference No. - N° de référence du client 20122873	Amendment No. - N° modif. 011
File No. - N° de dossier 113zh.EP737-122873	CCC No./N° CCC - FMS No./N° VME
GETS Reference No. - N° de référence de SEAG PW-\$ZH-113-25016	
Date of Original Request for Standing Offer 2012-10-19	
Date de la demande de l'offre à commandes originale	
Solicitation Closes - L'invitation prend fin at - à 02:00 PM on - le 2013-02-15	
Time Zone Fuseau horaire Eastern Standard Time EST	
Address Enquiries to: - Adresser toutes questions à: Reynolds(zh), Diane	Buyer Id - Id de l'acheteur 113zh
Telephone No. - N° de téléphone (819) 956-1141 ()	FAX No. - N° de FAX (819) 956-9235
Delivery Required - Livraison exigée	
Destination - of Goods, Services, and Construction: Destination - des biens, services et construction: See Herein Voir aux présentes	
Security - Sécurité This revision does not change the security requirements of the Offer. Cette révision ne change pas les besoins en matière de sécurité de la présente offre.	

Instructions: See Herein

Instructions: Voir aux présentes

Acknowledgement copy required Accusé de réception requis	Yes - Oui <input type="checkbox"/>	No - Non <input type="checkbox"/>
The Offeror hereby acknowledges this revision to its Offer. Le proposant constate, par la présente, cette révision à son offre.		
Signature	Date	
Name and title of person authorized to sign on behalf of offeror. (type or print) Nom et titre de la personne autorisée à signer au nom du proposant. (taper ou écrire en caractères d'imprimerie)		
For the Minister - Pour le Ministre		

Amendment no. 011 is raised to provide a response to questions raised to date, as follows:

- Q23 Please advise if clauses and conditions from a PWGSC procurement bid solicitation template contained in a particular bid solicitation would be considered as "Branch policy instruments".
- A23 Yes, as per answer to Q15 in Amendment 008: "PWGSC's Acquisitions Program policy instruments include the following: Supply Manual, Standard Acquisitions Clauses and Conditions Manual, Acquisitions Program Policy and Policy Notifications."
- Q24 Canada provided the following response to Q15 in Amendment 008: "PWGSC's Acquisitions Program policy instruments include the following: Supply Manual, Standard Acquisitions Clauses and Conditions Manual, Acquisitions Program Policy and Policy Notifications. **These policy instruments are vetted through stringent internal processes and approvals as well as through PWGSC Legal Counsel.** They are consistent with Government Legislation, Policies and Regulations. PWGSC is open and transparent about these policies as they are available to all suppliers online. They describe the process and rules that Procurement Officers are required to follow in procurement."
- Canada is requested to describe in detail the stringent internal processes and approvals referred to in the response to Q15.
- A24 All new Acquisition Program policies, processes and modifications to acquisitions policies, processes and clauses and conditions are vetted through consultations with respective stakeholders, including but not limited to, contracting officers, the Treasury Board Secretariat, client departments and suppliers/associations when appropriate. These consultations and the outcome (new policy, revised policy, changes to clauses/conditions) are then in turn vetted through the Directors' Policy Committee (director level) and endorsed/approved/recommended by the Acquisitions Branch (AB) Management Committee (DG level). Finally, legal counsel is also consulted where and when appropriate. All such policies, processes and clauses and conditions are then approved and issued by the Assistant Deputy Minister (ADM) AB or by the DG, Policy Risk Integrity and Strategic Management, on behalf of the ADM AB.
- Q25 Canada provided the following response to Q15 in Amendment 008: "PWGSC's Acquisitions Program policy instruments include the following: Supply Manual, Standard Acquisitions Clauses and Conditions Manual, Acquisitions Program Policy and Policy Notifications. These policy instruments are vetted through stringent internal processes and approvals as well as through PWGSC Legal Counsel. They are consistent with Government Legislation, Policies and Regulations. **PWGSC is open and transparent about these policies as they are available to all suppliers online.** They describe the process and rules that Procurement Officers are required to follow in procurement."

Canada provided the following response to Q16 in Amendment 008: "PWGSC's Acquisitions Program policy instruments include the following: Supply Manual, Standard Acquisitions Clauses and Conditions Manual, Acquisitions Program Policy Suite and Policy Notifications.

The list includes, but is not limited to:

<https://buyandsell.gc.ca/policy-and-guidelines/Policy-and-Legal-Framework/Key-Policies-and-Directives>"

The above Internet reference includes, inter alia, the following:

“Acquisitions Program Policy Suite - The below policy instruments support PWGSC's efforts to make its procurement function more effective, responsive to the needs of suppliers and client departments and agencies, and efficient.

The instruments were developed for PWGSC's Acquisitions Program and are accessible to federal government employees through GCpedia.

- Policy on Engagement and Engagement Guideline
- Directive on Complex Procurement Governance
- Guideline for Risk Management in Complex Procurement
- Risk Management Matrix Tool
- Guideline on Capabilities for Complex Procurement”

Given Canada's response to Q15, which is contrary to the response provided to Q16, it is clear that Canada is not open and transparent with respect to all of its policies. Canada is requested to explain why this is not the case with respect to these specific policies and to provide a complete list of all other policies that are not available on an open and transparent basis.

A25 The above-mentioned instruments (listed in question) were recently developed for PWGSC's Acquisitions Program and are accessible to federal government employees through GCpedia. The policy instruments will be made available online to the public by the end of the fiscal year. We are working closely with the BuyandSell.gc.ca team to accelerate the process to make our current instruments WCAG compliant.

Q26 The Offeror would like to provide the following additional information concerning Q19 in Amendment 008. The primary activity in the project required the Offeror to analyse the delays that occurred and assign a fair allocation of responsibility and associated cost that would fulfill their obligations to the court in their role of Witness of Opinion. Such allocation was required to withstand the most rigorous examination by any interested party. The objective of the Witness of Opinion report was to assist the judge to apply the relevant laws fairly.

All interested parties had the opportunity to cross examine the findings contained in the Witness of Opinion report and test the robustness of the findings in the report as being a fair representation of the facts or opinions which were addressed in the report.

The role that the Offeror played was similar to the role played by a fairness monitor when observing the evaluation of bids against the evaluation criteria contained in an RFP. The difference being that they were examining what had already taken place and that it was known that the matter was already in front of the court.

Would Canada please confirm that this project will qualify as a “fairness” project.

A26 Yes, the described project would qualify as a “fairness” project.