

RETURN BIDS TO:
RETOURNER LES SOUMISSIONS À:
Bid Receiving - PWGSC / Réception des soumissions
- TPSGC
11 Laurier St. / 11, rue Laurier
Place du Portage , Phase III
Core 0A1 / Noyau 0A1
Gatineau, Québec K1A 0S5
Bid Fax: (819) 997-9776

SOLICITATION AMENDMENT
MODIFICATION DE L'INVITATION

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

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

Comments - Commentaires

Vendor/Firm Name and Address
Raison sociale et adresse du
fournisseur/de l'entrepreneur

Issuing Office - Bureau de distribution
Science Procurement Directorate/Direction de
l'acquisition de travaux scientifiques
11C1, Phase III
Place du Portage
11 Laurier St. / 11, rue Laurier
Gatineau, Québec K1A 0S5

Title - Sujet Commercial Satellite Imagery	
Solicitation No. - N° de l'invitation E60SQ-120001/A	Amendment No. - N° modif. 007
Client Reference No. - N° de référence du client E60SQ-120001	Date 2013-07-19
GETS Reference No. - N° de référence de SEAG PW-\$\$\$Q-054-25646	
File No. - N° de dossier 054sq.E60SQ-120001	CCC No./N° CCC - FMS No./N° VME
Solicitation Closes - L'invitation prend fin at - à 02:00 PM on - le 2013-08-30	Time Zone Fuseau horaire Eastern Daylight Saving Time EDT
F.O.B. - F.A.B. Plant-Usine: <input type="checkbox"/> Destination: <input type="checkbox"/> Other-Autre: <input type="checkbox"/>	
Address Enquiries to: - Adresser toutes questions à: Bootsma, Lena C.	Buyer Id - Id de l'acheteur 054sq
Telephone No. - N° de téléphone (819) 956-1751 ()	FAX No. - N° de FAX (819) 997-2229
Destination - of Goods, Services, and Construction: Destination - des biens, services et construction:	

Instructions: See Herein

Instructions: Voir aux présentes

Delivery Required - Livraison exigée	Delivery Offered - Livraison proposée
Vendor/Firm Name and Address Raison sociale et adresse du fournisseur/de l'entrepreneur	
Telephone No. - N° de téléphone Facsimile No. - N° de télécopieur	
Name and title of person authorized to sign on behalf of Vendor/Firm (type or print) Nom et titre de la personne autorisée à signer au nom du fournisseur/ de l'entrepreneur (taper ou écrire en caractères d'imprimerie)	
Signature	Date

Solicitation No. - N° de l'invitation

E60SQ-120001/A

Amd. No. - N° de la modif.

007

Buyer ID - Id de l'acheteur

054sq

Client Ref. No. - N° de réf. du client

E60SQ-120001

File No. - N° du dossier

054sqE60SQ-120001

CCC No./N° CCC - FMS No/ N° VME

This amendment to the LOI is raised:

- (1) to post the Summary of Feedback and Outcomes of the Consultative Process; and
- (2) to extend the closing date to August 30, 2013 for the purpose of posting further communications, if necessary, before issuing the final RFSO.



Public Works and
Government Services
Canada

Travaux publics et
Services gouvernementaux
Canada

Canada



**Summary of Feedback and Outcomes
from the
Industry Consultative Process on the
Commercial Satellite Imagery
E60SQ-120001/A**



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1 Introduction

Canada has a requirement for the renewal of National Master Standing Offers (NMSOs) for Commercial Satellite Imagery (CSI) Products or Data for delivery to the Government of Canada (GoC) on an “as and when requested” basis. The current NMSOs are set to expire starting in November 2013.

Canada sought Industry consultation on the development of the procurement for the requirement to explore all potential ideas and solutions. The Industry Consultative Process (“Consultative Process”) includes an LOI, an Industry Engagement Session and one-on-one meetings, this Summary of Feedback and Outcomes and will conclude when the official Request for Standing Offer (RFSO) is published on the Buy and Sell. In order to further maximize the benefits of the Consultative Process, a draft RFSO and Industry Engagement Questions were included in the LOI. The draft RFSO was based on the previous RFSO in 2009 with a number of improvements incorporated from feedback by GoC users as well as the limitations identified and lessons learned during the term of the current NMSOs.

The information gathered through this process was considered when finalizing the strategy for the CSI requirement that will both meet the needs of the Government of Canada users and be coherent with Industry standard practices.

2 Industry Consultative Process

Period	March 20, 2013 and concludes with the publication of the official RFSO.
Participants	Fourteen companies were involved in this process. Ten of the fourteen companies were represented at the Industry Day; twelve one-on-one meetings were held with participants and twelve companies provided responses to the LOI. Government of Canada NMSO CSI team members attended the events.
Organization of Participants	<ul style="list-style-type: none">• 4 Satellite Operator Agencies (SOA) (29%)• 7 Distributors (50%)• 3 SOA/Distributors (21%)

3. Purpose

This document summarizes the feedback received during the Industry Consultative Process and the outcome on the development of the RFSO. The following items have conveyed to us the primary focus for this summary.

- Who are qualified to be the Offeror – SOA or SOA and Distributors, or SOA and an additional category between SOA and Distributors?

- Specification of Products so that Offerors may present more consistent Products with more comparable pricing.
- Metadata Properties: clarification on the provision of metadata and name of the Identified User/Technical Authority.
- End User Licence Agreement – Public Good Clause and Licence Sharing
- Delivery - Product delivery to the Designated Government FTP site.
- Evaluation Criteria – Grading quality, completeness and thoroughness of the Offer.
- Simpler pricing structure that can facilitate the ordering of an Offeror's list of product offerings.
- Complexity of the NMSO process, as well as submission of an Offer and expansion of Identified Users to include Canadian Provincial/Territorial Governments.
- Refresh and in what frequency.

More details of these issues are summarized below.

4. General Overview of the Industry Consultative Process Feedback

The Consultative Process provided any interested party in the Industry an opportunity to participate in the further development of the CSI solicitation by submitting comments, questions, recommendations and suggestions for improvement of the draft RFSO.

Overall, the majority of participants indicated that the draft RFSO contained many positive elements that would be an improvement over the previous procurement process; however, some key issues emerged as a result of the feedback requested and the consultations that took place during the Consultative Process. In response to these key issues detailed below, changes have been implemented in the RFSO and will serve to address the feedback received.

5. Summary of Feedback and Outcomes

5.1 Who should be the Offeror?

Original Approach

Canada proposed in its draft RFSO to issue Standing Offers to Satellite Operator Agencies (SOAs). The Offeror will also have the option to name one (1) Canadian Authorized Distributor.

Relevant Feedback

TOPIC	<p>Feedback was requested as follows:</p> <p>1) Provide comments on Canada's intention to issue Standing Offers to SOAs only, with the option for SOAs to name one or more Authorized Distributor(s) for Canada who are held to the pricing submitted by the SOA in the Standing Offer. Will this work with the Industry SOA-Distributor relationship?</p>
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SOAs	Distributors
No consensus amongst SOAs as to whether distributors should be allowed as an Offeror to participate in the solicitation process and providing offers. Many of the SOAs requested the ability to name more than one Distributor in their Offer.	All are interested in participating in the solicitation process and providing offers.
OUTCOME	<p>Upon review of feedback from Industry it is evident that Canada's intention to issue Standing Offers to SOAs only is not beneficial to Canada. Restricting Offerors to SOAs is not coherent with the Industry practices, thus providing a barrier for access to some satellite-sensors; it may reduce competition; it may reduce quality of service potential; and it decreases options for value-added products.</p> <p>The RFSO has been revised to allow for an Offeror to be an SOA, or a Distributor or a Reseller authorized by the SOA. It should be noted that the approach allows an SOA to be both an SOA and a Distributor in an offer. An SOA as an Offeror may name one or more than one Canadian Authorized Distributor or Reseller in its offer. Canada will only consider a Foreign Distributor or Reseller if an SOA Authorized Canadian Distributor or Reseller does not offer the satellite product. A Distributor or Reseller as authorized by the SOA may submit an offer for one or more Satellite-sensors from one or more SOAs.</p> <p>The Offeror will be required to provide one of the following certifications, as applicable to their offer:</p> <p>a) Offers from Satellite Operator Agencies:</p> <p>If an Offeror is submitting an offer for satellite imagery products from a Satellite-Sensor or Constellation-Sensor for which it is the Satellite Operator Agency (SOA), the Offeror must submit a signed copy of the SOA Legal Entity and Licensing Capacity Certification Form provided in the RFSO, or alternate document with equivalent information.</p> <p>b) Offers from non Satellite Operator Agencies:</p> <p>If an Offeror is submitting an offer for satellite imagery products from a Satellite-Sensor or Constellation-Sensor for which it is not the Satellite Operator Agency (SOA), the Offeror must submit a copy of the Authorized Licensing Capacity Certification Form provided in the RFSO, or alternate document with equivalent</p>

	<p>information, signed by the applicable SOA or by an SOA's distributor who has a right to sublicense the distribution rights. If authorization is from an SOA's distributor who has a right to sublicense the distribution rights, a copy of a document demonstrating that authorization signed by the SOA is required.</p> <p>For companies wishing to submit an Offer as a joint venture, the instructions regarding a joint venture are provided in Standard Instructions 2006, article 17 (2013-06-01). The Web site address to view the instruction is:</p> <p>https://buyandsell.gc.ca/policy-and-guidelines/standard-acquisition-clauses-and-conditions-manual/1</p>
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5.2 Product Structure

Original Approach

Canada provided in its draft RFSO the required and optional product categories, including their definitions.

Relevant Feedback

TOPIC	<p>Feedback was requested relative to the following items:</p> <ol style="list-style-type: none"> 1. What are the standard products that your company provides? Does your company offer products with options for geometric registration, radiometric calibration, orthorectification and atmospheric corrections separately? If so, how is each product priced?
RESPONDENTS	
<p>Concern was expressed by the respondents regarding the ability to present their full product offerings based on the current product categories in the SOR. Additional optional products were proposed, such as minutes per orbit and imagery with large and/or repeated coverage for a specified period of time. Clarification was requested on the definition of an image as it pertains to utilization. Industry feedback indicated that the requirement to provide the basic product when ordered with the higher-level product should be provided only upon request. Based on industry feedback, it is apparent that it was unclear how the Offeror could present its products available in their commercial product list under the Product categories of the draft RFSO.</p>	
OUTCOME	<p>The RFSO has been revised to include additional Optional Product Categories including collection window and monitoring products. Any products that are not covered by the Optional Product categories may be offered under Other Optional Products.</p> <p>Additional definitions were included in the RFSO to improve the</p>

	<p>overall clarity of the requirements.</p> <p>Canada concurs with Industry that a basic product should only be provided with a higher-level product when requested as opposed to being a standard mandatory requirement. The RFSO has been modified to remove the requirement to provide a higher-level product with a basic product unless requested.</p>
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5.3 Metadata Requirements

Original Approach

In Annex A, Statement of Requirement of the draft RFSO, it is indicated that the metadata information may be provided as part of the Product definition in predefined fields and structure or in associated files included with the Product delivery.

Relevant Feedback

TOPIC	<ol style="list-style-type: none"> 1. The Requirement asks that all product license information be included in the Product's metadata. Are there any issues with your company in meeting this requirement? 2. Does your company provide mosaic products produced from several images? If so, can you provide the associated metadata that allows for full traceability for all imagery data used in the mosaic at the pixel level? Would the request for having such metadata add to the cost, and if so, how much.
RESPONDENTS	
<p>Initial feedback from Industry indicated a requirement for clarification on the provision of metadata. There was a concern that changes in Metadata requirements may not be accommodated due to the need for software changes. Some of the respondents indicated that the requirement to provide the Technical Authority Name in the metadata conflicted with privacy requirement.</p> <p>Industry was notified through a clarification in an amendment to the LOI that when metadata is not an implicit part of the Product, it may be provided in associated files (e.g. text files) included with the Product delivery. Feedback was requested to identify if any issues remained.</p> <p>Feedback received following this notification indicated only one issue remained, namely the provision of cutlines of a mosaic product as a Shapefile could not be complied with, but cutlines can be provided in a different file format.</p>	
OUTCOME	Metadata requirements in the RFSO have been clarified to address the acceptability of providing metadata in an associated file when the metadata is not an implicit part of the Product. As

	<p>well, the requirement to display the name of the Technical Authority has been replaced with a phone number.</p> <p>A document showing the cutlines is required as part of the metadata for a mosaic product. A Shapefile is the preferred method. Other methods will be accepted as long as it is possible to identify the original image from which the portion of the mosaic derives from the document provided, as demonstrated within the required attribute table associated with the document.</p>
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5.4 Delivery Original Approach

In its draft RFSO, Canada indicated Ordering and Delivery Services requirements including Tasking and Delivery Priorities as well as Product Delivery requirements. These conditions were mainly the same as in the previous RFSO of 2009, with improvements for added clarity of Delivery Methods and Data Formats.

Relevant Feedback

TOPIC	<p>Feedback was requested relative to the following items:</p> <ol style="list-style-type: none"> 1. Can your company meet the product delivery requirements as described in the Requirement? If not, please indicate the issues. 2. Please, identify your preferable/available formats for the data products and delivery.
RESPONDENTS	
Based on the feedback received, Canada understands that direct delivery to the NEODF by FTP or SFTP by Offerors is feasible.	
OUTCOME	The RFSO has been modified to include Product delivery to the NEODF by SFTP (Secured File Transfer Protocol) when delivery via FTP is not feasible.

5.5 End User Licence Agreement (EULA) Original Approach

In the End User Licence Agreement (EULA), Appendix B to Annex A, Statement of Requirement of the draft RFSO, Canada provided a template for its EULA. The conditions for data sharing with higher Licence Classes were specified although the EULA and the definition of the Licence Classes largely remained the same as in the previous RFSO of 2009.

Relevant Feedback

TOPIC	<p>Feedback was requested relative to the following items:</p> <ol style="list-style-type: none"> 1. Are the conditions of the proposed EULA acceptable? Identify any articles in the terms and conditions of the EULA, which are not acceptable as currently written, explain why, and provide alternate wording. 2. Are the definitions of the License Classes clear and understood? Identify what is unclear or not understood. Which classes would your company provide for? 3. Following receipt of initial feedback, Canada further requested that Industry identify any articles in the terms and conditions of the EULA, which are not acceptable as currently written, explain why, and provide alternate wording. It was also requested that Industry indicate their current understanding of how sharing is allowed under the EULA between the four (4) Scenarios provided. If more than one Scenario would be allowed, what would the percentage cost difference be, if any, from the base Class 0? Industry was also requested whether cumulative classes would be acceptable and the percentage cost versus non-cumulative.
RESPONDENTS	
<p>In the feedback received from Industry, most Distributors indicated that the licence is owned by the SOAs and therefore acceptance of the terms and conditions of the EULA is subject to the SOAs. Industry feedback also indicated considerable concerns about the Public Good Clause in the EULA. Other than the Public Good clause and a request for clarification of sharing, no other issues were identified by respondents relative to the conditions of the EULA. The definitions of license classes were clearly understood.</p> <p>In view of the initial feedback, clarification regarding sharing was provided to Industry in an amendment to the LOI and additional input was requested with the objective of developing one common licence agreement. As a result, the respondents indicated that they understand that, in the draft RFSO, sharing of data is allowed with any and all the sharing entities for which a license is purchased, regardless of project, and that this will be reflected in the financial offer.</p>	
OUTCOME	Canada is still reviewing the EULA and the outcome will be incorporated into the RFSO.

5.6 Technical Offer Preparation and Evaluation Criteria

Original Approach

In the draft RFSO, Canada requested that the Offeror provide separate Technical and Financial Offers for each Satellite-Sensor when products from multiple

Satellite-sensors are provided.

Mandatory and point-rated Technical and Financial criteria are provided in Part 4, Evaluation Procedures and Basis of Selection, article 1.1, Technical Evaluation of the draft RFSO.

Relevant Feedback

TOPIC	<p>Feedback was requested as follows:</p> <ol style="list-style-type: none">1. Are the Standing Offer and Resulting Contract Clauses clear and acceptable? If not, please identify what requires clarification or what is not acceptable and why.2. How would you propose Canada evaluate the offers?3. Provide any suggestions that in your opinion could assist Canada in the development of evaluation procedures including evaluation criteria and the basis of selection of the Offerors.
RESPONDENTS	
<p>Industry expressed concerns relative to the need to submit separate offers for each Satellite-sensor and requested that Canada allow the Offeror to submit only one offer to cover products from multiple satellite-sensors.</p> <p>Industry feedback indicated that Technical Offers should be evaluated for completeness, thoroughness and relevance to Canada's requirements and for services provided to the Client.</p>	
OUTCOME	<p>Canada concurs with Industry on the one-company one offer approach. Part 3, Offer Preparation Instructions of the RFSO has been revised. An Offeror may provide only one offer to include all the Satellite-Sensors and Constellation-Sensors and their corresponding imagery products.</p> <p>Canada concurs with Industry that Technical Offers should be graded for quality of offers and services provided. To this end, the RFSO includes a Technical Offer Preparation Guide to assist the Offerors in preparing their Technical Offer. A sample Product Delivery Package will be required with the Offer for evaluation.</p> <p>The requirement for the Offeror to be an SOA has been removed under the Mandatory Technical Criteria of the RFSO. This is a result of the RFSO being modified to allow an Offeror to be an SOA, or a Distributor or Reseller authorized by the SOA, or to be both an SOA and a Distributor as indicated under the Outcome at item 5.1 above.</p>

5.7 Price Structure

Original Approach

To accommodate the various pricing practices in the industry and to allow Identified Users to compare products between Standing Offers, Canada included the Financial Offer Preparation Instructions from the previous RFSO. These instructions allowed pricing for each Product to be offered on a fixed (by Scene) or flexible (by Area) basis or a combination of both.

Relevant Feedback

TOPIC	<p>Feedback was requested relative to the following items:</p> <ol style="list-style-type: none">1. Describe and provide an example if possible of your pricing model for the products you provide.2. For respondents to the previous RFSO issued in 2009, please identify the specifics of what was difficult about the Financial Presentation Sheets; what were the limitations and constraints; and in what ways is it not able to represent your offer?3. Provide concrete suggestions on a pricing structure or basis within which all Offerors can submit a Financial Offer, taking into consideration that it must provide the basis for which an Offeror will price any order for imagery by an Identified User of an eventual NMSO, including any surcharges and discounts and license classes.
RESPONDENTS	
<p>Industry proposed that the process be simplified, more flexibility introduced in the pricing model and discounts and pricing by constellation or by sensors be allowed. Also proposed was the inclusion or removal of some discounts and surcharges; for example, removal of location based pricing to simplify the scheme, removal of repeat coverage discount and inclusion of volume discount.</p> <p>As a result of the initial feedback received, Canada solicited examples of pricing models for the products under an amendment to the Letter of Interest. However, no concrete examples were provided as a result of this request.</p>	
OUTCOME	<p>Due to the need for Canada to obtain pricing on a comparative basis, there is a requirement to solicit financial offers using a predefined pricing structure.</p> <p>The revised RFSO includes a pricing structure based on the previous model provided in 2009 but with simplifications and improvements for clarity and some flexibility for surcharges and discounts. As the SOR has been modified to allow products on a satellite-sensor or constellation-sensor basis, the financial offer</p>

	<p>follows accordingly. Choice of pricing for each product by Scene or by Area or uplifts for additional services such as new tasking, reduced cloud cover, and supporting additional licenses, is already allowed under the pricing scheme in the draft RFSO and has been retained.</p> <p>Additional services for surcharges are added in response to industry feedback, including data conversion, client-provided reference data; so are additional items for discount, such as discount by annual sale volume. Users may further expand the surcharge and discount list as needed. To simplify the pricing scheme, pricing by location has been removed.</p> <p>Other additions as Optional Product Categories are: Minutes per orbit and Monitoring Products.</p> <p>See annual refresh at article 5.9 in this document.</p>
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5.8 Other issues with the Request for Standing Offer and National Master Standing Offer

Original Approach

The draft RFSO required that Offers be submitted in hard copy to the PWGSC Bid Receiving Unit. As well, it was indicated that Identified Users could be extended to other levels of Canadian governments (such as the provincial and municipal government) during an annual refresh process and offerors notified explicitly if this occurred.

Relevant Feedback

TOPIC	<ol style="list-style-type: none"> 1. Identify any suggestions for changes or improvements that you wish to see in the final RFSO and explain why. 2. Would you have issues with the possibility of the Identified Users being expanded to include Canadian Provincial/Territorial and Municipal Governments? If so, what are those issues? If this expansion would require changes in pricing, likely to what percentage would the increase be? (New pricing for provincial or municipal government can be based on the mark-up associated with the appropriate license classes).
RESPONDENTS	

Industry questioned whether submission of offers in electronic format could be allowed.

The possible expansion of the Identified Users from the Government of Canada to other levels of Canadian government (Canadian Provincial/Territorial Governments) was well received. Clarification that this is separate from sharing entities in the EULA was requested. These levels of government would be Identified Users able to procure using the NMSO.

OUTCOME

As PWGSC does not currently have the capability to receive offers in electronic format, no changes have been made to the requirement to submit bids to the PWGSC Bid Receiving Unit as specified under article 2 of Part 2, Offeror Instructions of the RFSO.

The RFSO has been revised to clarify that the expansion of the Identified Users from the Government of Canada to other levels of Canadian government (Canadian Provincial/Territorial Governments) is separate from sharing entities in the EULA and that these levels of government would be Identified Users able to procure using the NMSO, thus becoming licensees themselves. The Statement of Requirement has been simplified, the call-up procedures have been clarified and a Technical Offer Guide has been included in the RFSO to address the request for simplification of the process.

5.9 Refresh

Original Approach

The provision for an Annual Refresh was included in article 3.2 of Part 7, Standing Offer and Resulting Contract Clauses of the draft RFSO. This approach was not included in the previous RFSO issued in 2009. The annual refresh will allow an update to the pricing, inclusion of new Offerors, new products offerings and new sensors for consideration by Canada to add to their Standing Offers.

Relevant Feedback

TOPIC

Feedback was requested relative to the following items:

1. Is the annual refresh to update pricing, add new products, add new Satellites or Sensors, and possibly issue additional Standing Offers to new SOAs, fair and reasonable, provided any submission to a refresh meets the evaluation criteria. Do you foresee any potential problems or issues with the implementation of this approach and if so, explain?
2. Do you foresee any issues with the annual refresh also serving as a notice for GoC areas of interest to conduct

	background data collections? If so what are they?
RESPONDENTS	
The approach for an annual refresh In Part 7, Standing Offer and Resulting Contract Clauses was very well received by Industry. Industry requested clarification as to what would be included in the refresh and proposed options such as increasing the frequency of the refresh or allowing a refresh when the exchange rate varies by a certain percentage. Industry also indicated that it would be beneficial to do “background collect” more than once a year.	
OUTCOME	<p>The RFSO will maintain its current approach on “annual refresh”. The RFSO has been revised to clarify that the offers will be accepted for updates to pricing of existing products and for new products and satellite sensors during the annual refresh. For the purposes of clarification, Offerors are advised that changes, such as changes to Authorized Distributor, can be made at any time.</p> <p>With respect to background data collections, the RFSO specifies that the notice is anticipated every six (6) months if required but no less than annually.</p>

6. Summary of Feedback and Outcomes

Overall, the feedback from industry was positive and the approaches put forth in the draft RFSO were supported. Industry feedback has contributed to the improvement of the procurement process through the implementation of changes to the final RFSO that addresses their key concerns.

The GoC CSI team members wish to thank Industry for taking part in the Consultation Process.