

RETURN BIDS TO:
RETOURNER LES SOUMISSIONS À:
Bid Receiving Public Works and Government
Services Canada/Réception des soumissions Travaux
publics et Services gouvernementaux Canada
800 Burrard Street, 2nd floor
800, rue Burrard, 2e étage
Vancouver
British Columbia
V6Z 0B9
Bid Fax: (604) 775-9381

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
Public Works and Government Services Canada -
Pacific Region
800 Burrard Street, 12th floor
800, rue Burrard, 12e étage
Vancouver
British C
V6Z 0B9

Title - Sujet Rock Bay Remediation Proj. Stage 3	
Solicitation No. - N° de l'invitation EZ899-142200/A	Amendment No. - N° modif. 007
Client Reference No. - N° de référence du client	Date 2014-03-03
GETS Reference No. - N° de référence de SEAG PW-\$PWY-026-7195	
File No. - N° de dossier PWY-3-36278 (026)	CCC No./N° CCC - FMS No./N° VME
Solicitation Closes - L'invitation prend fin at - à 02:00 PM on - le 2014-03-10	Time Zone Fuseau horaire Pacific Standard Time PST
F.O.B. - F.A.B. Plant-Usine: <input type="checkbox"/> Destination: <input checked="" type="checkbox"/> Other-Autre: <input type="checkbox"/>	
Address Enquiries to: - Adresser toutes questions à: Liu (PWY), Patty	Buyer Id - Id de l'acheteur pwy026
Telephone No. - N° de téléphone (604) 775-6227 ()	FAX No. - N° de FAX (604) 775-6633
Destination - of Goods, Services, and Construction: Destination - des biens, services et construction: TC - Rock Bay, BC	

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

Amendment 007

REQUEST FOR PROPOSAL (RFP)

REPLACE 4.1 CODE OF CONDUCT AND CERTIFICATIONS - PROPOSAL with the following:

4.1 INTEGRITY PROVISIONS - PROPOSAL

4.1.1. Proponents must comply with the Code of Conduct for Procurement. In addition Proponents must respond to proposal solicitations in an honest, fair and comprehensive manner, accurately reflect their capacity to satisfy the requirements stipulated in the proposal solicitations and resulting contracts, and submit proposals as well as enter into contracts only if they will fulfill all obligations of the Contract.

4.1.2. By submitting a proposal, Proponents confirm that they understand that, to ensure fairness, openness and transparency in the procurement process, the commission of certain acts or offences will render them ineligible to be awarded a contract. Canada will declare non-responsive any proposal in respect of which the information requested is missing or inaccurate, or in respect of which the information contained in the certifications is found by Canada to be untrue in any respect, at the time of contract award. If it is determined, after contract award that the Proponent made a false declaration, Canada will, following a notice period have the right to terminate the Contract for default. The Proponent will be required to diligently maintain up-to-date the information requested. The Proponent and any of the Proponent's Affiliates, will also be required to remain free and clear of any acts or convictions specified in these Integrity Provisions during the period of any contract resulting from this proposal/proposal solicitation.

4.1.3. Affiliates

For the purpose of these Integrity Provisions, everyone, including but not limited to organizations, bodies corporate, societies, companies, firms, partnerships, associations of persons, parent companies, and subsidiaries, whether partly or wholly-owned, as well as individuals, and directors, are Proponent's Affiliates if:

- (a) directly or indirectly either one controls or has the power to control the other, or
- (b) a third party has the power to control both.

Indicia of control, include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity created following the acts or convictions specified in these Integrity Provisions which has the same or similar management, ownership, or principal employees, as the case may be.

4.1.4. Proponents who are incorporated, including those Proponents submitting a proposal as a joint venture, must provide a complete list of names of all individuals who are currently directors of the Proponent. Proponents submitting proposals as sole proprietorship, including those submitting a proposal as a joint venture, must provide the name of the owner. Proponents submitting proposals as societies, firms, or partnerships do not need to provide lists of names.

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- (a) If the required names have not been received by the time the evaluation of proposals is completed, Canada will inform the Proponent of a time frame within which to provide the information. Failure to provide the names within the time frame specified will render the proposal non-responsive. Providing the required names is a mandatory requirement for contract award.
- (b) Canada may, at any time, request that the Proponent provide properly completed and signed consent forms (Consent to a Criminal Record Verification form - PWGSC-TPSGC 229) for any or all individuals mentioned above within a specified time frame. Failure to provide such consent forms and associated information within the time frame provided, or failure to cooperate to the verification process will result in the proposal being declared non-responsive.
- 4.1.5. The Proponent must diligently inform Canada in writing of any changes affecting the list of names of directors during this procurement process as well as during the contract period. The Proponent must also, when requested, provide Canada with properly completed and signed consent forms.
- 4.1.6. By submitting a proposal, the Proponent certifies that it is aware, and that its affiliates are aware, that Canada may request additional information, certifications, consent forms and other evidentiary elements proving identity or eligibility. Canada may also verify the information provided by the Proponent, including the information relating to the acts or convictions specified in these Integrity Provisions, through independent research, use of any government resources or by contacting third parties.
- 4.1.7. By submitting a proposal, the Proponent certifies that neither the Proponent nor any of the Proponent's Affiliates have directly or indirectly, paid or agreed to pay, and will not, directly or indirectly, pay a contingency fee to any individual for the solicitation, negotiation or obtaining of the Contract if the payment of the fee would require the individual to file a return under section 5 of the Lobbying Act.
- 4.1.8. Time Period
- The time period is 10 years and is measured from the date of the conviction or from the date of the conditional or absolute discharge.
- In addition, for a conviction under paragraphs a. or b. of subsection 9, following the 10-year period, a pardon or a record suspension must have been obtained, or capacities must have been restored by the Governor in Council. The Proponent must therefore provide with its proposal or promptly afterwards a copy of confirming documentation from an official source for its certification to be found true by Canada for the purpose of these Integrity Provisions. If the documentation has not been received by the time the evaluation of proposals is completed Canada will inform the Proponent of a time frame within which to provide the information. Failure to comply within the time frame specified will render the proposal non-responsive.
- 4.1.9. By submitting a proposal, the Proponent certifies that neither the Proponent nor any of the Proponent's Affiliates have been obtained or capacities restored by the Governor in Council, neither the Proponent nor any of the Proponent's affiliates have ever been convicted of an offence or received a conditional or an absolute discharge under any of the following provisions, unless the time period, as defined in the Time Period subsection, has elapsed:

Her (a) paragraph 80(1)(d) (False entry, certificate or return), subsection 80(2) (Fraud against Majesty) or section 154.01 (Fraud against Her Majesty) of the Financial Administration Act, or

(b) section 121 (Frauds on the government and Contractor subscribing to election fund), section 124 (Selling or Purchasing Office), section 380 (Fraud) for fraud committed against Her Majesty or section 418 (Selling defective stores to Her Majesty) of the Criminal Code , or

346 (c) section 119 (Bribery of judicial officers, etc.), section 120 (Bribery of officers), section (Extortion), section 366 to 368 (Forgery and other offences resembling forgery), section 382 (Fraudulent manipulation of stock exchange transactions), section 382.1 (Prohibited insider trading), section 397 (Falsification of books and documents), section 422 (Criminal breach of contract), section 426 (Secret commissions), section 462.31 (Laundering proceeds of crime) or sections 467.11 to 467.13 (Participation in activities of criminal organization) of the Criminal Code, or

(d) section 45 (Conspiracies, agreements or arrangements between competitors), section 46 (Foreign directives) section 47 (Proposal rigging), section 49 (Agreements or arrangements of federal financial institutions), section 52 (False or misleading representation), section 53 (Deceptive notice of winning a prize) of the Competition Act, or

(e) section 239 (False or deceptive statements) of the Income Tax Act, or

(f) section 327 (False or deceptive statements) of the Excise Tax Act, or

(g) section 3 (Bribing a foreign public official), section 4 (Accounting), or section 5 (Offence committed outside Canada) of the Corruption of Foreign Public Officials Act, or

(h) section 5 (Trafficking in substance), section 6 (Importing and exporting), or section 7 (Production of substance) of the Controlled Drugs and Substance Act.

The Proponent also certifies that no one convicted under any of the provisions under (a) or (b) are to receive any benefit under a contract resulting from this proposal solicitation, unless a pardon or a record suspension has been obtained or capacities restored by the Governor in Council, as defined in the Time Period subsection.

4.1.10 Foreign Offences

The Proponent also certifies that, within a period, as defined in the Time Period subsection, neither the Proponent nor any of the Proponent's Affiliates have been convicted of or have received a conditional or an absolute discharged, under any foreign offence that Canada deems to be of similar constitutive elements to the offences listed in these Integrity Provisions. Canada will also consider foreign measures declared by Canada to be similar in nature to the Canadian pardon, record suspension, or restoration of capacities by the Governor in Council.

4.1.11. Subcontractors

The Proponent must ensure that subcontracts include Integrity Provisions no less favorable to Canada than those imposed in the resulting contract.

4.1.12. Preventive Measures associated with the Time Period

In cases where the period (as defined in the Time Period subsection), for a conviction, or a conditional or an absolute discharge of the Proponent or any of the Proponent's Affiliates has elapsed, then the Proponent must also certify for itself and for its Affiliates that measures have been diligently put in place in order to avoid the reoccurrence of such convictions or reprehensible actions.

4.1.13 Public Interest Exception

Proponents understand that Canada may enter into contract with a Proponent where the Proponent or the Proponent's Affiliates have been convicted of or has received a conditional or an absolute discharge for an offence specified in these Integrity Provisions when required to do so by law or legal proceedings, or when Canada in its sole discretion considers it necessary to the public interest for reasons which include, but are not limited to:

- o no one else is capable of performing the contract;
- o emergency;
- o national security;
- o health and safety;
- o economic harm;

If all proposals are found non-responsive for reasons of a listed relevant conviction or act, then Canada may invoke the public interest exception, as described in the paragraph above.

In such cases, only proposals containing a declaration concerning a relevant offence or act will be further considered, Canada may also elect to procure outside of the present process. In all cases Canada reserves the right to impose additional conditions or measures to ensure the integrity of the procurement process.

4.1.14. Non-application

For governments, as well as entities controlled by a government, including Crown corporations, the present Integrity Provisions are reduced to complying with article 750 of the Criminal Code, the Government Contract Regulations and the Code of Conduct for Procurement.

All other terms and conditions remain unchanged.