

RFRE Amendment 005

This RFRE amendment 005 is raised to answer the following question.

Q26. Question

RFRE clause 2.25 and 2.25.8 identifies numerous integrity related obligations and laws and requires certification that Respondent complies with all such laws and obligations. Canada's right and need to undertake appropriate due diligence for its prospective contractor is fully understood and appreciated. However, as drafted, the required certifications pose a number of challenges. A Respondent is able to certify its compliance with the laws enumerated in Section 2.25.8 as such are clearly identified and understood, but the broad extension to any law outside Canada which "Canada deems to be of similar constitutive elements" is overly broad and vague (and which is further exacerbated by the unnecessarily broad definition of affiliates). It is unclear how a Respondent could even make such a certification. For any large multi-national organization with multiple companies and divisions across the globe, certifying compliance with laws "Canada deems to be of similar constitutive elements" to those listed in this section is particularly challenging and unnecessarily burdensome. We suggest Canada limit the certification to the identified Canadian laws or that it identify the laws Canada deems to be of similar constitutive elements to those listed in the clause. Another approach would be to certify compliance with specific recognized international conventions on bribery, fraud or corruption, such as those adopted by the Organisation for Economic Co-operation and Development, the United Nations or the World Bank (all of which include numerous members, including Canada, the United Kingdom and United States).

A26. Answer

On March 1, 2014, following industry feedback, PWGSC amended its Integrity Framework to include, amongst other things, the addition related to foreign offences. These revisions are meant to bring additional consistency to the playing field amongst all suppliers when bidding on Government of Canada requirements as foreign suppliers, similar to Canadian suppliers, must be free of convictions as described in these provisions.

The integrity clauses, as currently written, are required and Canada will review the RFRE Responses on these elements as part of the RFRE qualification process.

All other Terms and Conditions remain the same.