

This RFRE amendment 012 is raised to:

- Answer Question 33; and
  - Amend the RFRE Document.
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**Q33. Question**

What is the Government's allowance for other parties access to the DRAFT RFP and information in the Data Room. For instance, we are using a law firm to support our contractual, regulatory, labour, pension and other understanding of the site, program, risks, etc. They are not part of the performance team that will be contracted for the project, but are necessary to support effort to gain a full understanding of the project and its risks, and negotiate with the government. This is a Canadian firm with a deep understanding of AECL operations and nuclear and legal matters. Do they need to sign the NDA and can they get access to the Data Room.

**A33 Answer**

The draft RFP and information in the data rooms are subject to the restrictions on use and disclosure set forth in the Non-Disclosure Agreement executed by each Qualified Respondent.

Pursuant to Section 1(b) of the Non-Disclosure Agreement, each Qualified Respondent agreed to restrict access to the Information (as defined in the Non-Disclosure Agreement) and to transmit the Information only to individuals designated by the Qualified Respondent who need to know the Information for the purposes set out in paragraph 1(a)(ii) of the Non-Disclosure Agreement, who are informed of the confidential nature of the Information and who have the requisite security clearances required by Canada to obtain access to the classification of Information provided to such individual (such individual is referred to in the Non-Disclosure Agreement as a "Representative"). Accordingly, lawyers representing a Qualified Respondent may be a Representative for purposes of the Non-Disclosure Agreement and, as a result, are not required to execute the Non-Disclosure Agreement but will have to obtain the requisite security clearances described in clause 6.1 (Security) of the RFRE in order to obtain access to the draft RFP, the information in the data rooms and any other Information.

In addition to the foregoing, each Qualified Respondent must submit the names of the individuals that it would like to have access to the data rooms in accordance with the instructions set forth in Annex E (Requirements for Access to Data Rooms) of the RFRE.

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**Delete clause 2.20.2 in Part 2 (Instructions to Respondents) in the RFRE and replace with the following:**

This clause has been deleted. Please refer to clause 2.30 (Respondent Representative).

**Insert the following clause 2.30 in Part 2 (Instructions to Respondents) in the RFRE.**

**2.30 Respondent Representative**

Each Respondent is required to appoint a Respondent Representative who is authorized by the Respondent or, if the Respondent is comprised of a Respondent Team and/or Joint Venture, then each Team Member and/or Joint Venture Participant, to provide documentation and information to the Contracting Authority and to receive instructions and notices for and on behalf of the Respondent or any and all Team Members and/or Joint Venture Participants, as applicable. Each Respondent is solely responsible for ensuring that all contact information for the Respondent Representative is accurate and up-to-date at all times during the RFRE Stage. Respondents may update or revise their Respondent Representative's information by notifying the Contracting Authority, in writing. Such written notification must be signed by the Respondent (if it is a single entity) or, if the Respondent is comprised of a Respondent Team and/or Joint Venture, then each Team Member and/or Joint Venture Participant. The Contracting Authority may, at any time, require the Respondent (or each Team Member and/or Joint Venture Participant) to confirm that the Respondent Representative has been appointed with full authority to act as the Respondent's representative for the purposes of the RFRE.