



**AMENDMENT 001
TO THE REQUEST FOR STANDING OFFERS DOCUMENT**

RFSO Number: 20140081

CLOSING DATE: Wednesday, October 29th, 2014
CLOSING TIME AND TIME ZONE: 2:00 PM Eastern Daylight Time

TITLE: Services for Quebec Justice Process Servers – Quebec Region

To All Bidders:

The purpose of Amendment 001 of the Request for Standing Offers (RFSO) is to give effect to the following:

1.

Bidders are advised that the **CLOSING DATE** as been changed from **October 15th, 2014** to **October 29th, 2014**.

Closing Time and Location remain the same.

2.

PART 4 - EVALUATION PROCEDURES AND BASIS OF SELECTION

Bidders are advised to **DELETE Section 1.2 – Financial Evaluation** in its entirety and **REPLACE** with the following:

1.2 Financial Evaluation

The Bidder must complete the Basis of Payment, Annex C, and include it in its financial bid.

The inclusion of volumetric data in this document does not represent a commitment by Canada that Canada's future usage of the services described in the bid solicitation will be consistent with this data.

The fees and rates specified below, when quoted by the Bidder, include any of the following expenses that may need to be incurred to satisfy the terms of any contract that may result from its bid:

- a. all travel and living expenses for work performed within the Montreal Metropolitan Region (MMR). The MMR – counts 14 regional municipal counties (RMC), distributed in five administrative regions (Montreal, Laval, Montérégie, Laurentides and Lanaudière), among which two population sectors (Montreal, Longueuil) as well as two municipalities (Laval and Mirabel). For further details, refer to website: <http://www.metropole.gouv.qc.ca/portrait-region/index.asp>;
- b. any travel expenses for travel between the Contractor's place of business and the DOJ;
- c. any travel and living expenses for the relocation of resources to satisfy the terms of any resulting contract. These expenses cannot be charged directly and separately from the professional fees to any contract that may result from the bid solicitation; and
- d. all other expenses that the Offeror could charge that are not specified in the [Tariff of fees and transportation expenses of bailiffs \(H-4.1, r.14\)](#) and the [2014 Tariff of Professional Fees – R.S.Q. c. C-26, s. 86.0.1, para. 12 \[in French only\]](#).



3.

PART 7 – STANDING OFFER AND RESULTING CONTRACT CLAUSES

B. RESULTING CONTRACT CLAUSES

Bidders are advised to **DELETE Section 5.1 Basis of Payment** in its entirety and **REPLACE** with the following:

5.1 Basis of Payment

Professional Fees

In consideration of the Contractor satisfactorily completing all of its obligations under the Contract, the Contractor will be paid firm rates for the recording and transcription services in accordance with Annex C, Basis of Payment. Goods and Services Tax or Harmonized Sales Tax (GST/HST) is extra, if applicable.

For these acts, Quebec justice process servers shall not charge fees or costs other than those fixed in the tariff established by regulation of the Government of Quebec. However, for other types of professional services, process servers may claim professional fees agreed upon in advance in accordance with a suggested tariff adopted by a resolution of the Bureau pursuant to the *Professional Code*.

Process servers may also make purely material ascertainties, excluding any opinion on the factual or legal consequences that may result therefrom; such ascertainties merely have informative value.

The court may, under certain conditions, accept a written statement as testimony (art. 294.1 C.C.P.). A process server's ascertainment is a value-added written statement. Moreover, a judge may, on his or her own initiative, a certified report (ascertainment) by a competent person designated by the judge (art. 982 C.C.P.). This report is normally done by a Quebec justice process server.

The Offeror will be paid its costs reasonably and properly incurred in the performance of the work, as determined in accordance with Contract Cost Principles 1031-2 following an audit by the Government of Quebec. In addition, a tariff adopted by the government specifies professional fees that process servers are required to claim from their clients or from debtors when they serve a legal document or execute a judgment by means of a writ or warrant (*Tariff of fees and transportation expenses of bailiffs*, c. H-4.1, r. 14), and a tariff adopted by the Chambre des huissiers de justice du Québec, pursuant to the *Professional Code*, states the fair and reasonable fees within the meaning of section 33 of the *Code of ethics of bailiffs* that a process server claims after having agreed upon them with his or her client for professional acts that are not specified in the tariff adopted by the government. It provides compensation for, among other things, an exponential increase in the costs of using a motor vehicle and in general operating costs (2014 Tariff of Professional Fees – R.S.Q. c. C-26, s. 86.0.1, para. 12). The results and findings of the government's audit will be conclusive.

DOJ requests three (3) types of services from the Offeror: "Fixed Daily Pick-ups"; "Service on Demand and Production on Demand"; and "As and When Requested Daily Pick-ups" - Urgent Service. For "Service on demand and production of demand" – Firm Daily Pick-Ups, the regular individual service rate shall apply.

4.

ANNEX A – STATEMENT OF WORK - 4. DESCRIPTION OF REQUIREMENT

Bidders are advised to **DELETE Section 4.2.1** in its entirety and **REPLACE** with the following:

The DOJ requires three (3) types of daily services from the Contractor: "Fixed Daily Pick-up"; "Service on Demand and Production on Demand"; and "As and When Requested Daily Pick-ups" – Urgent Service.



“Fixed Daily Pick-up” – Regular Service

The Contractor is required to pick-up, sort, issue, serve and file various legal documents, on a “fixed daily pick-up” basis.

The pick-up locations are as follows: 200 René Lévesque Blvd. West, Montréal, Quebec, H2Z 1X4, for the Regulatory Law Directorate, located on the 5th floor; the Tax Litigation Directorate, located on the 7th floor; the Commercial Law Directorate, located on the 5th floor; the Immigration Directorate, located on the 9th floor; and the Mail Room, located on the 5th floor.

There are three **(3) Fixed Daily Pick-Ups**, at 10:00 a.m., 2:00 p.m. and 4:00 p.m., Monday to Friday (excluding weekends and holidays).

There are two **(2) levels of service for fixed daily pick-ups**: same day and next day (refer to Annex B).

“Service on Demand and Production on Demand” – Fixed Daily Pick-up

The Contractor is required to pick-up documents each day at 4:30 p.m.; sort them; then serve them on various courts and tribunals, in bulk, and on applicants, either individually or in bulk if at the same time and address; and return legal documents within three (3) business days.

The pick-up locations are as follows: 200 René Lévesque Blvd. West, Montréal, Quebec, for the Regulatory Law Directorate, located on the 5th floor; the Tax Litigation Directorate, located on the 7th floor; the Commercial Law Directorate, located on the 5th floor; the Immigration Directorate, located on the 9th floor; and the Mail Room, located on the 5th floor, from Monday to Friday (excluding weekends and holidays).

When services are required in bulk with subsequent service on the individual applicant, the Contractor, in conjunction with the DOJ, must establish a numbering/tracking system in order to link the service on the tribunal or court with each individual applicant.

“As and When Requested Daily Pick-up” – Urgent Service

The Contractor is required to pick-up, sort, issue, serve and file legal documents as and when requested, for urgent requirements.

The pick-up locations are as follows: 200 René Lévesque Blvd. West, Montréal, Quebec, H2Z 1X4, for the Regulatory Law Directorate, located on the 5th floor; the Tax Litigation Directorate, located on the 7th floor; the Commercial Law Directorate, located on the 5th floor; the Immigration Directorate, located on the 9th floor; and the Mail Room, located on the 5th floor.

5.

QUESTIONS OR REQUESTS FOR CLARIFICATIONS

Question 1: *Must we attach the full CVs of each process server or would summaries of their experience in the “Experience of Personnel” section be sufficient?*

Answer1:

A summary of each one’s experience under the “Experience of Personnel” will suffice. The list for each proposed personnel member must include the following information:

- a. the name of the process server;
- b. the date of the process server’s admission to the profession;



- c. his or her knowledge of serving processes issuing from any court or tribunal, executing legally binding decisions and performing any other duty delegated to process servers by legislation or by a court.

Question 2

When asked to respond “Yes” or “No” on one page (for example: pages 9, 12, 19 . . .) must we return the page or simply mention it in our offer?

Answer 2:

You must return the original copies with your answers and signatures.

Question 3

If we authorize payment by credit card and direct payment, do we have to fill out both sections (cards and direct payment)?

Answer 3

Yes, both sections need to be completed and returned.

For your information, direct payment is a Government of Canada initiative to modernize the way it issues payments to Canadians by eliminating cheques and replacing them with electronic payments by direct deposit. Starting August 1, 2014, ALL suppliers conducting business with the Government of Canada will have to be registered with the direct deposit system.

Question 4

Section II – Financial offer:

On what basis does DOJ use to establish the price to be charged? Is it based on the court work in the issuing and production of documents or different Courts? If so, on which volume should we base it on? We will need detailed information in order to be able to respond. Is there a set rate that we must agree on?

Answer 4

Yes, it is based solely on the Court work.

The offer must include the other fees, other than those established in the Tariff of fees and transportation expenses of bailiffs (H-4.1, r.1) and the Tariff of Professional Fees 2014 - R.S.Q. c. C.-26, s. 86.0.1, para. 12, which may be claimed by the offerors. The total amount of applicable taxes must be indicated separately.

Volume should not have an impact given that the rates are already established.

Apart from Court running fees, all other costs/professional fees are set out in the:

- Tariff of Professional Fees (TPF) of justice process servers (Tariff of Professional Fees 2014 - R.S.Q. c. C.-26, s. 86.0.1, para. 12); and
- Tariff of fees and transportation expenses of bailiffs (Tariff of fees and transportation expenses of bailiffs (H-4.1, r.1))

Question 5

Currently, the production and issuing of documents at Courts are billed by process during service. Is this a service provided solely by the Court, completely separate from the work of serving documents? It should be understood that



when we serve documents, we sometimes have to also file proof of service along with the originals with the Court. Does the production have to be included in the price offer in Annex "C"? Or is it simply to ensure DOJ's court work?

Answer 5

Yes. It is solely the Court work.

The fee for process production is provided for in the regulations. If we are speaking of production in terms of court running, the answer is yes, given that 99.9% of the submission of fees involves this aspect.

Question 6

Annex "A" 4.2.1: when you indicate "Bulk Tribunal Service and Service on the Applicant" what does it mean? This is unclear.

Answer 6

DOJ requests three (3) types of services from the Offeror: "Fixed Daily Pick-ups"; "Service on Demand and Production on Demand"; and "As and When Requested Daily Pick-ups" - Urgent Service. For "Service on demand and production of demand" – Firm Daily Pick-Ups, the regular individual service rate shall apply.

Service on demand: Means serving a document, a process on a third party by a bailiff, who must then prepare a report of service.

Production on demand: Means delivering a legal document to the Court's registry in order for it to be admitted (filed) into the Court record. This service is usually requested of a bailiff, after he or she has served a process, in order for it to be filed with the Court with proof of service.

Question 7

Should the financial offer be sent separately from the technical proposal in a sealed envelope?

Answer 7

The financial offer is to be sent at the same time as the technical offer and certifications, but in a separate, sealed envelope.

Question 8

In the table that appears in section 2.7 of the basis of selection at page 18, an amount of \$45,000.00 is indicated. Is this a fictitious amount or could it be real?

Answer 8

The amounts that appear in the table in section 2.7 – Basis of selection, at page 18, are fictitious amounts. They are used only as examples.

Question 9

Clause of the subsequent contract / Part "B", clause 5.1 (basis of payment): In paragraph 1, we understand that we will be paid at the fixed rate in accordance with Annex "C", solely for Court work. Services and executions, whether urgent or not, will be billed on the basis of the Tariff of fees and transportation expenses of bailiffs (H-4. 1r.1) et du Tariff of Professional Fees (TPF). Is that correct? Also, in the same section, clarification is needed of the last paragraph with regard to billing.



Answer 9

DOJ requests three (3) types of services from the Offeror: "Fixed Daily Pick-ups"; "Service on Demand and Production on Demand"; and "As and When Requested Daily Pick-ups" - Urgent Service. For "Service on demand and production of demand" – Firm Daily Pick-Ups, the regular individual service rate shall apply.

Service on demand: Means serving a document, a process on a third party by a bailiff, who must then prepare a report of service.

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Question 10

In Annex "A", paragraph 4.2.1, could you explain "Bulk Tribunal Service and Service on the Applicant." Is this really service within the meaning of the Code or only Court work and return to Applicant at DOJ?

Answer 10

DOJ requests three (3) types of services from the Offeror: "Fixed Daily Pick-ups"; "Service on Demand and Production on Demand"; and "As and When Requested Daily Pick-ups" - Urgent Service. For "Service on demand and production of demand" – Firm Daily Pick-Ups, the regular individual service rate shall apply.

Service on demand: Means serving a document, a process on a third party by a bailiff, who must then prepare a report of service.

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**END OF AMENDMENT 001
REQUEST N° 20140081**