



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 0B2 / Noyau 0B2
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
Scientific, Medical and Photographic Division /
Division de l'équipement scientifique, des produits
photographiques et pharmaceutiques
11 Laurier St./ 11 rue, Laurier
6B1, Place du Portage
Gatineau, Québec K1A 0S5

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|---|---|
| Title - Sujet JOINT CBRN GEN. SERVICE RESPIRATOR | |
| Solicitation No. - N° de l'invitation W8476-155141/C | Amendment No. - N° modif. 009 |
| Client Reference No. - N° de référence du client W8476-155141 | Date 2016-08-05 |
| GETS Reference No. - N° de référence de SEAG PW-\$\$PV-867-71135 | |
| File No. - N° de dossier pv867.W8476-155141 | CCC No./N° CCC - FMS No./N° VME |
| Solicitation Closes - L'invitation prend fin at - à 02:00 PM on - le 2016-10-31 | |
| Time Zone Fuseau horaire Eastern Daylight Saving Time EDT | |
| 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: Lalonde, Martin | Buyer Id - Id de l'acheteur pv867 |
| Telephone No. - N° de téléphone (819) 462-1009 () | FAX No. - N° de FAX () - |
| Destination - of Goods, Services, and Construction: Destination - des biens, services et construction: | |
| | |

Instructions: See Herein

Instructions: Voir aux présentes

| | |
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| 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 |

PWGSC

Joint CBRN GSR – RFP, Amendment 009

This amendment is raised to update the JOINT CBRN GEN. SERVICE RESPIRATOR, Solicitation No. W8476-155141/C, dated 23 June 2016

References

- [Ref 1] Annex C-Appendix CA – ITB Value Proposition Bidder Instructions
- [Ref 2] Annex C-Appendix CB – ITB Value Proposition Evaluation Plan
- [Ref 3] Annex C – Appendix CC - Acquisition ITB Terms and Conditions
- [Ref 4] Annex C - Appendix CF - In-Service Support ITB Terms & Conditions

Appendix CA

1.

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| Question | Please confirm that the rated portion of the Value Proposition only applies to acquisition and not ISS? |
| Response | <p>As per Annex C-Appendix CB – ITB Value Proposition Evaluation Plan, there is no in-service support rated evaluation.</p> <p>According to Annex C-Appendix CB – ITB Value Proposition Evaluation Plan section 7, the total value proposition evaluation score will be calculated by summing two values:</p> <ul style="list-style-type: none">i. The Acquisition Value Proposition Score; andii. The International Export Strategy Evaluation Score. |

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| Question | 3.7: We understand that SMB participation is encouraged however the ITB Terms and Conditions actually provide a disincentive with respect to SMB's growing their businesses. Success in the Value Proposition making companies more competitive and gaining export market access will result in growth. Why then is there a limit of 250 employees according to Appendix CC, 1.1.29? For example a company that may have 225 employees at the time of the transaction may grow and to 300 employees. Unless the rule is changed this company will no longer qualify as a SMB. It is noted that the Whole of Government size limit for medium sized Canadian companies has an employee threshold of 500 employees. |
| Response | <p>As per Annex C – Appendix CC - Acquisition ITB Terms and Conditions article 1.1.29. and Annex C - Appendix CF - In-Service Support ITB Terms & Conditions article 1.1.29:</p> <p>“Small and Medium Business” or “SMB” means a Canadian Company with fewer than 250 full-time personnel <u>as of the date of entering into a Transaction</u>. Agents and distributors of foreign goods and services, as well as subsidiaries of the Contractor or another Eligible Donor on any contract with IRB/ITB Obligations, do not qualify as SMB.</p> |

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| Question | 4.1.2.1: This refers to Annex H, however Annex H is calculated by Canada. Instead this should refer to Annex B. In addition CLIN 22 should be included otherwise the commitment only represents 95% of contract value. Alternatively Canada should |
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| | seriously consider removing CLIN 22 since this amounts to a holdback of 5% of contract value. Bidders will add cost of money to finance this holdback. It is also unclear whether “all deliveries by the Contract” specified under CLIN 21 also include performance of the Value Proposition deliverables which according to Appendix CC, article 1.1.1 extend 5 years from contract award. If so this means the Contractor will not be paid the holdback for up to five years which will force the Bidder to include a substantial allowance in their bid price. Instead of a holdback delivery of the acquisition deliverables can be assured if through exercising of future options on the ISS contract. Please be aware that holdbacks are a significant concern of bidders because Canada appears to have the sold right to determine when these are released especially under the circumstances where the contract period is extended possibly as a result of Canada’s turnaround times or requests for additional work etc. |
| Response | For the purposes of the ITB evaluation found at Annex C, the acquisition bid price is the summation of CLIN-1 through CLIN21 inclusive as identified in Annex B. Annex C - Appendix CA will be updated accordingly. |

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| Question | 5.1.2.1: This should refer to Annex E, not Annex H which is determined by Canada. Annex E contains multiple quantities- in order to determine the bid price specific quantities must be specified for this purpose. |
| Response | For the purposes of the ITB evaluation found at Annex C, the in-service support bid price is the summation of CLIN-1 through CLIN-6 inclusive, as identified in Annex E. Annex C - Appendix CA will be updated accordingly. |

Attachment CA2

5.

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| Question | Please identify where the referenced articles can be found in the column titled “Contract Commitments”? |
| Response | This has been updated to refer to the Appropriate Terms and Conditions Document. |

Appendix CC

6.

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| Question | 1.1.1: Please consider changing the ITB commencement date to May 18, 2012 which was the date of the first LOI and the date that companies including our company began making commercial arrangements to undertake the project. |
| Response | The applicability of the ITB policy to this procurement was announced on 13 November, 2015. This is the date on which the ITB Achievement Period begins, as defined at Annex C – Appendix CC - Acquisition ITB Terms and Conditions article 1.1.1. |

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| Question | 18.4.2: This article states that the Liquidated Damages for non-achievement is up to 20% of contract value. This is inconsistent with the Government’s ITB Policy and article 18.4.1 which caps the LD’s at 10%, please clarify? |
| Response | Please note the following: |

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| | <ol style="list-style-type: none"> 1. According to article 18.2., the combined total remedies will not exceed 10 percent of the <u>overall contract price</u>. 2. Any liquidated damages as a result of Article 18.4.1 would be 10 percent of the <u>total deficiency</u> in respect of the failure to achieve any of the Obligations in Articles 3.1.1, 3.1.3, 3.1.4, and/or 3.1.6. 3. Any liquidated damages as a result of Article 18.4.2 would be 20 percent of the <u>total deficiency</u> in respect of the failure to achieve any of the Obligations found at article 3.1.2. |
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Appendix CF

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| Question | 1.1.1: Please consider changing the ITB commencement date to May 18, 2012 which was the date of the first LOI and the date that companies including our company began making commercial arrangements to undertake the project. |
| Response | The applicability of the ITB policy to this procurement was announced on 13 November, 2015. This is the date on which the ITB Achievement Period begins, as defined at Annex C - Appendix CF - In-Service Support ITB Terms & Conditions article 1.1.1. |

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| Question | 3.1.2.1: Please confirm that the Export Strategy is submitted with the Acquisition proposal. |
| Response | <p>As per Annex C-Appendix CA – ITB Value Proposition Bidder Instructions section 8, an international export strategy plan should be submitted in the Proposal. It does not form part of the acquisition portion of the Proposal, nor does it form part of the in-service support portion of the Proposal. The international export strategy should be submitted as a separate portion within the Proposal.</p> <p>Please note that the international export strategy does not form part of the acquisition or in-service support portions, however, as per Annex C-Appendix CB – Article 6.4: If the Bidder achieves an International Export Strategy Score of at least 1 point, the International Export Strategy will be inputted into both the resultant Acquisition Contract and the In-Service Support Contract under Article 4.1.1.4 of the respective contract’s ITB Terms and Conditions. Article 4.1.1.4 stipulates that among multiple items, the international export strategy must be included in the annual ITB report.</p> |