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1713 Bedford Row

Halifax, N.S./Halifax, (N.É.)

B3J 1T3

Nova Scotia

Bid Fax: (902) 496-5016

**Revision to a Request for Supply
Arrangement - Révision à une demande
pour un arrangement en matière
d'approvisionnement**

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

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Halifax, N.S./Halifax, (N.É.)

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Nova Scot

Title - Sujet SA TIES Transport Canada	
Solicitation No. - N° de l'invitation E6HAL-160004/A	Date 2016-10-21
Client Reference No. - N° de référence du client E6HAL-16-0004	Amendment No. - N° modif. 003
File No. - N° de dossier HAL-5-75297 (308)	CCC No./N° CCC - FMS No./N° VME
GETS Reference No. - N° de référence de SEAG PW-\$HAL-308-9923	
Date of Original Request for Supply Arrangement 2016-09-02 Date de demande pour un arrangement en matière d'app. originale	
Solicitation Closes - L'invitation prend fin at - à 02:00 PM on - le 2016-11-07	
Time Zone Fuseau horaire Atlantic Daylight Saving Time ADT	
Address Enquiries to: - Adresser toutes questions à: LaBrash, Rachelle	Buyer Id - Id de l'acheteur hal308
Telephone No. - N° de téléphone (902) 496-5115 ()	FAX No. - N° de FAX (902) 496-5016
Delivery Required - Livraison exigée	
Destination - of Goods, Services, and Construction: Destination - des biens, services et construction: DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES CANADA	
Security - Sécurité This revision does not change the security requirements of the solicitation. Cette révision ne change pas les besoins en matière de sécurité de l'invitation.	

Instructions: See Herein

Instructions: Voir aux présentes

Acknowledgement copy required	Yes - Oui	No - Non
Accusé de réception requis	<input type="checkbox"/>	<input type="checkbox"/>
The Offeror hereby acknowledges this revision to its Offer. Le proposant constate, par la présente, cette révision à son offre.		
Signature	Date	
Name and title of person authorized to sign on behalf of offeror. (type or print) Nom et titre de la personne autorisée à signer au nom du proposant. (taper ou écrire en caractères d'imprimerie)		
For the Minister - Pour le Ministre		

Amendment 003 has been raised to address bidder questions and to extend the solicitation closing date.

*The solicitation closing date has been extended to **2pm ATL on November 7, 2016.***

Q1: Ref: 6.1.1.1. : Our most senior Engineer was certified as a P.Eng in 1981 in Nova Scotia. He attended university overseas and his university closed around 1992 and is not listed with CCPE. Therefore he wouldn't qualify under any of the requirements as listed. Suggestion: The Engineer should have a university degree and must have a P.Eng status in good standing with any of the Professional Engineering Societies in Eastern Canada.

6.1.2 Qualification Requirements

6.1.1.1 An Engineer must have a university degree in engineering:

- i. from a Canadian Council of Professional Engineers (CCPE) accredited engineering program, or
- ii. from an educational institution listed in the Engineers Canada List of foreign Engineering Educational Institutions and Professional Qualifications, or
- iii. from an engineering program accredited by an engineering body that has signed a mutual recognition agreement with Engineers Canada,
- iv. Alternatively, should a candidate's degree be from a non-CCPE accredited engineering program, their engineering education credentials in the appropriate field must be deemed 'substantially equivalent' to the CCPE via an application to the Engineering International - Education Assessment Program, (EI-EAP).

6.1.1.2 The engineer must have, or be deemed eligible for registration as a Professional Engineer by a recognized provincial licensing organization.

6.1.1.3 A Senior Engineer must have a minimum of ten (10) years of relevant experience. An Intermediate Engineer must have a minimum of five (5) years of relevant experience.

A1: The solicitation document has been amended below in response to this question.

Q2: Ref 6.2.2.4 and 6.3.2.4: For the Navigation and Seakeeping Areas of Expertise, both the Technical Specialist and the Technologist are required to have been certified as a "Master Mariner" or a "Master Near Coastal". Considering the areas of expertise under item 4.3 Navigation and Ship Keeping, it lists all areas of expertise which normally a Naval Architect would have. The only exception may be 4.3.12 Passenger Safety Management. Suggestion: Requirement 4.3.12 is moved to 4.4 Health and Safety Services. In that case the "Master Mariner" and "Master Near Coastal" can be removed. Comment: It should be noted that if a "Master Mariner" or "Master Near Coastal" is required, he or she should have

passenger ship experience, as for example a tugboat master would have little experience with section 4.3.12 Passenger Safety Management.

A2: The intent is to have access to individuals who have operational experience onboard vessels as Senior Navigation Officers or Marine Engineers and have knowledge and experience in these matters.

Q3: Both a Senior Technical Specialist and a Senior Technologist with 1st/2nd class tickets, respectively, are noted as mandatory for the Marine Engineering Area of Expertise in Table 1 and Table 5 of Annex B of the RFSA. Will a Senior Engineer with a P.Eng. be accepted as a replacement for either of these?

A3: The intent is to have access to individuals who have operational experience onboard vessels as Marine Engineers. As such there is no substitution for either of these requirements.

Q4: Will personnel qualifying as a Senior Engineer be accepted in lieu of the mandatory Senior Technical Specialist or Senior Technologist personnel noted in Table 1 (and Tables 4 through 11) of Annex B of the RFSA? Similarly, will personnel qualifying as a Senior Technical Specialist be accepted in lieu of the mandatory Senior Technologist personnel?

A4: This is addressed under section 4.1.7. on page B-2. Please also note that Table 1 has been revised below.

Q5: The solicitation document makes no reference to a mechanism for adding additional resource to the list of qualified resources following contract award. Given that the contract duration is open-ended it is likely that contractors will face staff departures during the contract period. They are also likely to be able to qualify people at a later date that they are unable to currently qualify. Would Transport Canada be willing to include appropriate provision for staff to be added to the list of those able to provide support under this supply arrangement following contract award, so long as they meet the necessary evaluation criteria provided in Annex B? Without such a provision, the ability for all contractors to respond to requests may decline over time – reducing available competition.

A5: Section 6.7 has been amended to include provisions for qualified firms to add areas of expertise or update their list of personnel and/or subcontractors. See below for more details.

Q6: Would Transport Canada please consider the inclusion of an article in the contract terms and conditions that provides a Limitation of Contractor's Liability similar to that contained within the Canadian Coastguard TIES contract (supply arrangement F7048-090005/004/ML). The following text provides a copy of this article:

"12. Limitation of Contractor's Liability for Damages to Canada

1. This section applies despite any other provision of the Contract and replaces the section of the general conditions entitled "Liability". Any reference in this section to damages caused by the Contractor also includes damages caused by its employees, as well as its subcontractors, agents, and representatives, and any of their employees.

2. Whether the claim is based in contract, tort, or another cause of action, the Contractor's liability for all damages suffered by Canada caused by the Contractor's performance of or failure to

perform the Contract is limited to Contract value. This limitation of the Contractor's liability does not apply to:

- (a) any infringement of intellectual property rights; or*
- (b) any breach of warranty obligations.*

3. Each Party agrees that it is fully liable for any damages that it causes to any third party in connection with the Contract, regardless of whether the third party makes its claim against Canada or the Contractor. If Canada is required, as a result of joint and several liability, to pay a third party in respect of damages caused by the Contractor, the Contractor must reimburse Canada for that amount."

As a responsible contractor, our organization takes its obligations under contract seriously and as a result it ensures that it more than adequate insurances to protect it and its clients in the event of any problems that may occur. It is not possible to insure for unlimited liability and thus accepting contracts without suitable limits could jeopardise the future of the organisation to the detriment of its clients.

A6: Yes, the solicitation has been amended to reflect this addition.

Q7: Is the requirement for the supplier to have a professional engineer naval architect a mandatory requirement?

A7: In order to be selected to participate in the SA, a bidder must qualify for at least 2 areas of expertise in Table 1. In order to qualify for A. Naval Architecture specifically, the bidder must provide the name of both a senior engineer and a senior technical specialist, keeping in mind that "a qualified senior level resource may assume an intermediate level position", as per page B-2 section 4.1.7. As such, yes, this is a mandatory requirement should the bidder wish to qualify for any area of expertise requiring a professional engineer naval architect.

Q8: Table 11 (page B-18) includes O's within the Tag column. Are these meant to be A's?

A8: Any areas identified with an "O" in table 11 are to be considered as being an "A" or Asset. The table has been updated to reflect this change.

Q9: Annex B Para 5.1.5 (Page B-4) states "Note that all of the corporate knowledge discussed in the company profile must be currently available." Can you please clarify if this means that the evidence will only be considered if the resources involved in the project that is used as evidence are included in our list of proposed resources for this solicitation? Or is it sufficient to demonstrate compliance by proposing resources that have a similar skill set, capability and experience to those that were directly involved in the work?

A9: The purpose of this section is to identify that the organisation has current and relevant experience in any given area. As such, any evidence of experience of the organisation must include involvement of the resources being proposed for this solicitation.

Q10: Would the Crown please confirm that the statement on page B-10 (Tables 4-11) can also be applied to Table 1? In other words, if the same individual can be submitted for multiple areas of expertise in the latter case, can it also be applied to the former?

Observation:

- Page B-2, Annex B, Technical Evaluation Plan, paragraph 4.1.5 states: "An individual may only be identified once for any given area of expertise"

Whereas:

- Page B-10, Annex B, Technical Evaluation Plan, in the Bidder Instruction Box, paragraph 3 states: "The same person can be submitted for multiple Areas of expertise. Although only 1 or 2 individuals are mandatory, any individuals that will be used to complete work must be included in this table for assessment."

A10: The wording in 4.1.5 is changed to: "An individual may be identified for multiple areas of expertise".

Q11: The Imperative Fields of Specialty listed in the Marine Informatics Technology Area of Expertise shown in Annex B/Table 11 of the RFSA include a wide range of topics. It would be difficult for an individual to demonstrate significant and meaningful experience in all of these Fields of Specialty. It would also require a rather diverse company to employ the variety of individuals needed to collectively meet these Imperative experience requirements. We note that in contrast to Table 11, the otherwise very similar CCG TIES RFSA tagged all of the Fields of Specialty listed under Marine Informatics Technology as "asset". This change may substantially reduce the number of qualified bidders in this Area of Expertise, and may influence the ability to use the TIES SA for projects that require more than one Area of Expertise. Is Canada willing to tag more of the number of Fields of Specialty in Table 11 as "A" (asset) or "O" (optional)?

A11: Yes. Table 11 in Annex B has been amended. Please see below.

Q12: Can the arrangements be written in French?

A12: Yes

Q13: *RFSA Section 3.1, Section I: Technical Arrangement*

In the technical arrangement, Suppliers should explain and demonstrate how they propose to meet the requirements and how they will carry out the Work.

Considering that no specific job is detailed in the RFSA and the supplier's ability to qualify will depend on specific tasks, we would like more precise information on the required content of the Technical Arrangement.

A13: The solicitation document has been amended below.

Q14: *Annex A, section 1.2: The Supply Arrangement (SA) will be used for contracting with firms and organisations with extensive marine related experience for **relatively minor assignments** and project tasks related to capital work, which are more expeditiously handled through the TIES.*

Considering the level of the effort that we must provide in the preparation of our application for qualification, we would like to know the financial scale of projects that will be offered to potential suppliers to enable us to assess the relevance to our firm to qualify for this application.

A14: The scope of projects will be in support of the Transport Canada Ferry Program and other government organisations. While it is difficult to put a dollar value on projects being considered in the immediate future, potential suppliers should note that it is anticipated that significant opportunities will arise under this Supply Arrangement over the coming years.

Q15: Once qualified in this SA, what will be the process for awarding contracts by Canada? Will suppliers be subject to requests for technical and financial proposals for all Transport Canada tenders?

A15: Once suppliers are qualified to the Supply Arrangement, they will be deemed technically compliant for tenders that fall within the scope of this SA. When required, tenders will be distributed directly to qualified suppliers to address Transport Canada's specific requirements. Interested suppliers will then be invited to submit financial bids in response to these opportunities.

Q16: We have found some similarities between Naval Architecture (4.1), Marine Engineering (4.2) and Navigation and Ship Keeping (4.3).

- 4.1.7, 4.2.7, 4.3.7: Ship condition surveys and advice;
- 4.2.14 and 4.3.13: Maintenance Management; including: maintenance requirements analysis and planning using accepted methodologies; predictive maintenance programs;
- 4.1.6 and 4.3.6: Materials and materials maintenance as applied to the maintenance of ship's hull and outfit systems, paint coatings;
- 4.1.4 and 4.3.4: Vessel stability, open water and ice;
- 4.1.5 and 4.3.5: Hull systems including areas such as accommodation outfit, launch and recovery systems, doors and closures, closing appliances, corrosion control, etc.;

To avoid redundancy and errors of interpretation, it would be beneficial to define the tasks for each area of expertise.

A16: It is felt that it is not necessary to further break down particular tasks. Bidders are encouraged to concentrate on demonstrating experience/knowledge of specific tasks within the various streams for which they are applying, keeping in mind that it is possible to qualify for multiple streams.

Q17: *Annex A, Section 6 : Occupational Levels*

Q17a 6.2.2.4 Regarding the requirements of the Marine Technical Specialist can the "Master Mariner" certification be considered as an asset, not a qualification requirement?

We believe that a senior technician in naval architecture has all the skills and knowledge required to meet the requirements of this SA and that he/she should be able to qualify as a Technical Specialist or Technologist.

6.3.2.3 *In addition, for the Marine Engineering Areas of Expertise the Marine Technologist must have been certified as a "Second-class Engineer, Motor Ship or Steamship" by Transport Canada. Any other source of certification requires proof of validation by Transport Canada for equivalence.*

Q17b - Can you establish/define the areas of expertise related to marine engineering?

Q17c - Since the Technical Specialist must have a second-class engineer certificate, can the certificate for the technologist be considered as an asset, not a qualification requirement?

6.3.2.4 *...the Marine Technologist must have been certified as a "Master Near Coastal" by Transport Canada.*

Q17d - Can the technologist certification be an asset, not a qualification requirement?

A17: The intent is to have access to individuals who have operational experience onboard vessels as Senior Navigation Officers or Marine Engineers and have knowledge and experience in these matters.

Q18: Section 3.1 Arrangement Preparation Instructions says:

"Prices must appear in the financial arrangement only. No prices must be indicated in any other section of the arrangement."

And Section 4.1 Evaluation Procedures says:

"Arrangements will be assessed in accordance with the entire requirement of the Request for Supply Arrangements including the technical and financial evaluation criteria".

However, I could not find any description of the financial evaluation criteria or instructions as to what kind of price information is required. Is it missing, or is it your intention to only consider financial at the time of individual task procurements?

A18: The Financials do not need to be supplied until a tender is put out for a specific requirement once the supply arrangement is in place.

Q19: Page A-9 Annex A:

6.1.1.2 *The engineer must have, or be deemed eligible for registration as a Professional Engineer by a recognized provincial licensing organization.*

Can you please clarify as to what it means for an engineer to be "deemed eligible for registration"? Under what circumstances do you foresee somebody being "deemed eligible" without holding their professional designation?

A19: The provision of “deemed eligible” is meant to allow flexibility in the event that an engineer may be in the process of having accreditation completed or renewed, prior to the closing date of the solicitation. The work required to be completed by an engineer when the SA is utilized, will require that this registration will be completed.

Q20: Where an Area of Expertise makes two Occupational Levels mandatory, is it necessary to specify both Occupational Levels? For example, Naval Architecture requires a Senior Engineer and an Intermediate Engineer. Is it possible to identify two Senior Engineers and still qualify?

A20: *As per Annex B, Section 4.1.7, “A qualified senior level resource may assume an intermediate level position.”* As such, two Senior Engineers could be listed rather than one Senior Engineer and one Intermediate Engineer.

Q21: Why is a Master Mariner certification required for the Technical Specialist for the Navigation and Ship Keeping Area of Expertise? The Fields of Specialty define engineering expertise (e.g. ship design) moreso than operational navigation expertise.

A21: The intent is to have access to individuals who have operational experience onboard vessels as senior navigation officers and have knowledge and experience in these matters.

Q22: In order to qualify for Marine Engineering Expertise, a bidder must have personnel with (a) a degree/diploma, First-Class engineer ticket, and 10 years of experience, and (b) a Second-Class ticket and 10 years of experience. Finding these two people will be hard, and arguably should not be necessary to qualify for Marine Engineering. It isn't clear why engineers are not sufficient for the Marine Engineering Area of Expertise.

Transport Canada A22:

The intent here is to have access to individuals who have operational experience onboard vessels as Marine Engineers. Table 1 has been revised below.

The solicitation document has been amended as follows:

In response to Q1, on page A-9, delete Annex A, Section 6.1.1.1 (iv) in its entirety and replace with the following:

iv. Alternatively, should a candidate's degree be from a non-CCPE accredited engineering program; their engineering education credentials in the appropriate field must be deemed 'substantially equivalent' to the CCPE via an application to the Engineering International - Education Assessment Program, (EI-EAP) **OR the degree must have been accepted for registration as a Professional Engineer and the candidate must be a P.Eng status in good standing with any of the Professional Engineering Societies in Canada.**

In response to Q5, on page 9, delete Section 6.7 Ongoing Opportunity for Qualification in its entirety and replace with the following:

6.7 On-going Opportunity for Qualification, Addition and Update

A Request for Supply Arrangements will be issued in accordance with the process set out below to allow new Suppliers to become qualified. Existing qualified Suppliers, who have been issued a supply arrangement, will not be required to submit a new arrangement. *Should existing qualified suppliers wish to add areas of expertise or update their list of personnel and/or subcontractors, they may do so by contacting the Contracting Authority by telephone or email.*

New potential suppliers are to contact the Supply Arrangement Authority by telephone or email. These suppliers will be provided with the necessary information and documentation to be evaluated using the same guidelines and evaluation criteria as existing qualified Suppliers.

In response to Q6, on page 10, insert Section 6.11 Limitation of Contractor's Liability for Damages to Canada, as per below:

6.11 Limitation of Contractor's Liability for Damages to Canada

1. This section applies despite any other provision of the Contract and replaces the section of the general conditions entitled "Liability". Any reference in this section to damages caused by the Contractor also includes damages caused by its employees, as well as its subcontractors, agents, and representatives, and any of their employees.

2. Whether the claim is based in contract, tort, or another cause of action, the Contractor's liability for all damages suffered by Canada caused by the Contractor's performance of or failure to perform the Contract is limited to Contract value. This limitation of the Contractor's liability does not apply to:

- (a) any infringement of intellectual property rights; or
- (b) any breach of warranty obligations.

3. Each Party agrees that it is fully liable for any damages that it causes to any third party in connection with the Contract, regardless of whether the third party makes its claim against Canada or the Contractor. If Canada is required, as a result of joint and several liability, to pay a third party in respect of damages caused by the Contractor, the Contractor must reimburse Canada for that amount."

In response to Q8, Delete Table 11 in its entirety and replace with the revised table 11 included below.

In response to Q10, on Page B-2, delete Annex B, Technical Evaluation Plan, paragraph 4.1.5 in its entirety and replace with the following:

4.1.5 An individual may be identified for multiple areas of expertise.

In response to Q11, Delete Table 11 in its entirety and replace with the revised table 11 included below.

In response to Q13, on page 6, delete 3.1 Section I Technical Arrangement in its entirety and replace with the following:

Section 3.1, Section I: Technical Arrangement

In the technical arrangement, Suppliers should clearly explain and demonstrate how they propose to meet the requirements *of the supply arrangement and how they will be capable of providing the required services.*

In response to Q22, on page B-3, Delete Table 1 in its entirety and replace with the revised Table 1 included below. Please note that the revised sections are marked with an asterisk (*).

On page A-11, Delete 6.5.1 Qualification Requirements in its entirety and replace with the revised Table 1 included below.

6.5.1 Qualification Requirements

6.5.1.1 An intermediate auditor must, as a minimum, have a Secondary School diploma and completed ISM Code Lead Auditor training from a Classification Society, or from an accredited school in Canada.

6.5.1.2 An intermediate auditor must have experience performing, assisting, or observing audits of a safety management system.

6.5.1.3 An intermediate auditor must have a minimum of ten (10) years of relevant marine experience.

6.5.1.4 A senior auditor must have in addition to 6.5.1.1 to 6.5.1.3 have been certified by

Transport Canada as either a:

- a) "First-class Engineer, Motor Ship or Steamship"
- b) "Second-class Engineer, Motor Ship or Steamship"
- c) "Master Mariner"
- d) "Master Near Coastal"

OR

Be a Naval Architect that is a Technical Specialist (in accordance with 6.2)

Any other source of certification requires proof of validation by Transport Canada for equivalence.

All other terms and conditions remain unchanged.

Solicitation No. - N° de l'invitation
E6HAL-160004/A/A
Client Ref. No. - N° de réf. du client
E6HAL-16-0004

Amd. No. - N° de la modif.
003
File No. - N° du dossier
HAL-5-75297

Buyer ID - Id de l'acheteur
HAL308
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