



RFP ISED 186460 – Auction Format Review 600 MHz

Questions Received

Q1- Regarding the section 12. CONFLICT OF INTEREST stating “Upon receiving a Contract from ISED, the Contractor shall not perform any services for any entity other than ISED in relation to the 600 MHz auction, including for a potential auction bidder in the related auction. The Contractor must certify that there is no actual conflict of interest or an appearance of a conflict of interest by submitting the signed declaration in Part 5, Section 1.7 to the Project Authority prior to the awarding of the Contract.”

Does this restriction regarding the performance of ‘services for any entity other than ISED in relation to the 600MHz auction’ apply to either or both of the following:

- 1) an individual acting as an associate of the Contractor?
- 2) a corporate entity acting as subcontractor of the Contractor?

A1- The Crown confirms that yes, the Conflict of Interest clause applies to both scenarios provided above.

Q2- In the RFP reference is made in to the Gov. of Canada document *General Conditions of a Service Contract*, part GC19 Liability, stating:

*“The Contractor is liable for any damage caused by the Contractor, its employees, subcontractors, or agents to Canada or any third party. Canada is liable for any damage caused by Canada, its employees or agents to the Contractor or any third party. **The Parties agree that no limitation of liability or indemnity provision applies to the Contract unless it is specifically incorporated in full text in the Articles of Agreement.** Damage includes any injury to persons (including injury resulting in death) or loss of or damage to property (including real property) caused as a result of or during the performance of the Contract.”*

Will ISED be willing to incorporate limitations on the liability in the Articles of Agreement for this contract?

If that is the case, what would those limitations be?

A2- The Crown will not incorporate a limitation of liability clause to this requirement.