



**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**

**Quebec**

**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**

**Marine Chartering Services Directorate/Direction des  
services d'affrètements maritime**

**11 Laurier St./ 11, rue Laurier**

**Place du Portage, Phase III, 6C2**

**Gatineau**

**Quebec**

**K1A 0S5**

<b>Title - Sujet</b> Emergency Towing Vessels	
<b>Solicitation No. - N° de l'invitation</b> F7017-160056/C	<b>Amendment No. - N° modif.</b> 011
<b>Client Reference No. - N° de référence du client</b> F7017-160056	<b>Date</b> 2018-04-04
<b>GETS Reference No. - N° de référence de SEAG</b> PW-\$\$MB-003-26699	
<b>File No. - N° de dossier</b> 003mb.F7017-160056	<b>CCC No./N° CCC - FMS No./N° VME</b>
<b>Solicitation Closes - L'invitation prend fin</b> <b>at - à 02:00 PM</b> <b>on - le 2018-04-13</b>	
<b>Time Zone</b> <b>Fuseau horaire</b> Eastern Standard Time EST	
<b>F.O.B. - F.A.B.</b> <b>Plant-Usine:</b> <input type="checkbox"/> <b>Destination:</b> <input type="checkbox"/> <b>Other-Autre:</b> <input type="checkbox"/>	
<b>Address Enquiries to: - Adresser toutes questions à:</b> Aubin, Marc A.	<b>Buyer Id - Id de l'acheteur</b> 003mb
<b>Telephone No. - N° de téléphone</b> (819) 420-5452 ( )	<b>FAX No. - N° de FAX</b> ( ) -
<b>Destination - of Goods, Services, and Construction:</b> <b>Destination - des biens, services et construction:</b>	

**Instructions: See Herein**

**Instructions: Voir aux présentes**

<b>Delivery Required - Livraison exigée</b>	<b>Delivery Offered - Livraison proposée</b>
<b>Vendor/Firm Name and Address</b> <b>Raison sociale et adresse du fournisseur/de l'entrepreneur</b>	
<b>Telephone No. - N° de téléphone</b> <b>Facsimile No. - N° de télécopieur</b>	
<b>Name and title of person authorized to sign on behalf of Vendor/Firm</b> <b>(type or print)</b> <b>Nom et titre de la personne autorisée à signer au nom du fournisseur/</b> <b>de l'entrepreneur (taper ou écrire en caractères d'imprimerie)</b>	
<b>Signature</b>	<b>Date</b>

This Amendment number 011 is raised to (1) make modifications to the Request for Proposal (RFP) and (2) answer questions from the industry as follows:  
Modification #60 - MR 4 only of Attachment 4.1 (Mandatory Requirements) is deleted in its entirety and replaced with the following:

MANDATORY REQUIREMENTS				
		BIDDER'S RESPONSE		
CRITERIA #	DOCUMENT REF.	MANDATORY REQUIREMENTS	ASSESSMENT METHODOLOGY	DEMONSTRATED EXPERIENCE (BIDDER TO INSERT DATA) SUBMITTED REFERENCE WITH PAGE AND PARAGRAPH NUMBER
MR 4	Baseline Requirement Documents	The Bidder's vessels must be in possession of a valid Towing Vessel Approvability Certificate for a minimum rating of Unrestricted Towsages (U) and entry into the Towing Vessel Approvability Scheme (TVAS) database as administered by GL Noble Denton.	The Bidder must provide a statement of compliance quoting Service Specification - DNVGL-SE-0122, Edition March 2017, Noble Denton Marine Services - Certification for Towing Vessel Approvability' for the "Unrestricted (U) Category" with its bid.  Furthermore, the bidders will need to provide the	

			documentation that demonstrates that the vessels are in possession of a valid Towing Vessel Approvability Certificate for a minimum rating of Unrestricted Towages (U) and have been entered into the Towing Vessel Approvability Scheme (TVAS) database as administered by GL Noble Denton at the Vessels Confirmation Assessment stage.		
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Modification #61 - MR 11 only of Attachment 4.1 (Mandatory Requirements) is deleted in its entirety and replaced with the following:

MANDATORY REQUIREMENTS					
				BIDDER'S RESPONSE	
CRITERIA #	DOCUMENT REF.	MANDATORY REQUIREMENTS	ASSESSMENT METHODOLOGY	DEMONSTRATED EXPERIENCE (BIDDER TO INSERT DATA)	SUBMITTED REFERENCE WITH PAGE AND PARAGRAPH NUMBER

MR 11	Baseline Requirement Documents	<p>The Bidder's vessels must be in possession of an inspection report in accordance with either the Common Marine Inspection Document (CMID) as published by the International Marine Contractors Association (IMCA) or, the Offshore Vessel Inspection Database (OVID) as published by the Oil Companies International Marine Forum (OCIMF).</p>	<p>The Bidder must provide the inspection report in accordance with the Common Marine Inspection Document (CMID) as published by the International Marine Contractors Association (IMCA) or, the Offshore Vessel Inspection Database (OVID) as published by the Oil Companies International Marine Forum (OCIMF). Canada is currently assessing its ability to access OVIQ reports.</p> <p>As such, Canada will accept a completed page 2 of the current OCIMF report template (OCIMF Report Template - OVIQ2 – 7105 - 1.0.05) to comply with this requirement. However, any defects indicated in the report must be identified in the mobilization plan including the planned corrective action. The complete reports must be available for review at Vessels Confirmation Assessment.</p>		
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Modification #62 – RR-17 only of Attachment 4.1 (Rated Requirements) are deleted in its entirety and replaced with the following:

RATED REQUIREMENTS						
			BIDDER'S RESPONSE			
CRITERIA #	POINT RATED REQUIREMENTS	MAX POINTS	ASSESSMENT METHODOLOGY	EVALUATION CRITERIA	DEMONSTRATED EXPERIENCE (BIDDER TO INSERT DATA)	SUBMITTED REFERENCE WITH PAGE AND PARAGRAPH NUMBER
RR-17  VESSEL 1	The Bidder's vessel should be fitted with the following additional electronic equipment;  a) VHF-AM (aircraft band) radio, to facilitate support to the Search and Rescue program;  b) Satellite television distribution to cabins occupied by CCG personnel;  c) Iridium phone, base station model (A "Sect era", secure communications terminal and accompanying telephone handset to be supplied as GFE to connect to the Iridium phone); and	6 PTS	The Bidder should provide a statement of fact and equipment list identifying which electronic equipment is available on the vessels.	0 PTS = The Bidder has not demonstrated that the vessel is fitted with any of the equipment listed.  3 PTS = The Bidder has demonstrated that the vessel is fitted with at least the VHF-AM or the Satellite television requirements and has also provided a statement of compliance that space is available for the two items of GFE		

	d) VHF secure radio, base station model (Radio and antenna to be supplied as GFE. CCG would code radio upon installation.).			equipment to be fitted during mobilization.  6 PTS = The Bidder has demonstrated that the vessel is fitted with both the VHF-AM and the Satellite television requirements and has also provided a statement of compliance that space is available for the two items of GFE equipment to be fitted during mobilization.	
<b>RR-17</b> <b>VESSEL 2</b>	<p>"The Bidder's vessel should be fitted with the following additional electronic equipment;</p> <p>a) VHF-AM (aircraft band) radio, to facilitate support to the Search and Rescue program;</p> <p>b) VHF secure radio, base station model (Radio and antenna to be supplied as GFE. CCG would code radio upon installation.);</p> <p>c) Iridium phone, base station model (A "Sect era", secure communications terminal and accompanying telephone handset to be supplied as GFE to connect to the Iridium phone); and</p> <p>d) Satellite television distribution to cabins occupied by CCG personnel.</p>	<b>6 PTS</b>	<p>The Bidder should provide a statement of fact and equipment list identifying which electronic equipment is available on the vessels.</p>	<p>0 PTS = The Bidder has not demonstrated that the vessel is fitted with any of the equipment listed.</p> <p>3 PTS = The Bidder has demonstrated that the vessel is fitted with at least the VHF-AM or the Satellite television requirements and has also provided a statement of compliance that space is available for the two items of GFE equipment to be fitted during mobilization.</p> <p>6 PTS = The Bidder has demonstrated that the vessel is fitted with both</p>	

				the VHF-AM and the Satellite television requirements and has also provided a statement of compliance that space is available for the two items of GFE equipment to be fitted during mobilization.		
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Modification #63 – Addendum 2 to Appendix B to Annex A - (Towing Conditions and Understanding) document only is deleted in its entirety and replaced with the following:

**TOWING CONDITIONS AND UNDERSTANDING**

I, the undersigned \_\_\_\_\_ declare being the owner/operator/master/person in charge of the \_\_\_\_\_, registered under the official number or registration or license number \_\_\_\_\_ do hereby request that the Canadian Coast Guard Ship \_\_\_\_\_ (hereinafter: the "SAR Unit or SAR Unit") provide my disabled vessel with towing assistance.

In doing so, I declare being of sound body and mind and perfectly aware of the dangers and risks of a towing operation, for myself, for all persons on board the vessel, and for the vessel and its equipment.

I confirm that the SAR Unit has informed me of the details of the intended towing operation and the SAR Unit expectations from my vessel during the operation, including the requirement not to undertake any manoeuvre or apply the engine or rudder unless it is ordered by the SAR Unit or the SAR Unit has been informed and agreed to the manoeuvre.

I confirm that I am responsible for the safety of the crew and passengers onboard my disabled vessel and that I will take all reasonable steps to ensure their safety during towing operation.

In addition, I have been informed of, and agree to the following:

- The towing operation will be to the nearest place of refuge, or to a rendez-vous position where the tow can be safely transferred;
- If there is a more serious situation elsewhere, the towline will be released or transferred and the towing operation will be ended immediately;

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- The SAR Unit may release the towline and end the towing operation if such operation poses risks to its safety or the safety of its crew;
- If adequate commercial assistance reaches the scene, the SAR Unit may hand over the tow. I will be liable to any charges from that commercial resource;
- Upon arrival at the nearest place of refuge, the SAR Unit will release the towline and depart and it will be my responsibility to secure my own vessel; and, the Canadian Coast Guard, the Department of Fisheries and Oceans Canada, the Government of Canada, Her Majesty the Queen in right of Canada, any contractors of any of them and any of their employees or servants are not liable for damages suffered by my vessel, any of its equipment, its owner, master, operator, person in charge, crew or passengers, if the towing operation has to be abandoned, or if damages occurred unless the damages have been caused by the gross negligence of the SAR Unit.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness (if any): \_\_\_\_\_

Note to the Commanding Officer of the SAR Unit:

If the circumstances do not allow the signature of this document, it should be read to the master or person in charge of the disabled vessel by radio, and their verbal acceptance of this agreement and waiver should be noted in the SAR Unit's logbook. Any electronic recordings of the conversation and agreement shall be retained and safeguarded according to established policy and procedures. In some circumstances it may be preferable to have MCTS communicate with the disabled vessel. Commanding Officers should discuss the circumstances with the MCTS Officer as appropriate.



## **Questions and Answers**

### **Question # 147**

MR-11 - As part of the OCIMF OVID process, member companies can purchase OVID inspections through the OVID website. As the inspection reports are under copy write protection they must be purchased from the database by charterers. We are not allowed to share the OVID reports as this would violate such copy rights. Could Canada confirm that a cover page proving the last audit would be sufficient to comply with MR 11. Alternatively, Could Canada confirm that a valid report purchased by Canada at time of vessel inspection would be sufficient?

### **Answer to question # 147**

Canada is currently assessing its ability to access OVIQ reports. As such, Canada will accept a completed page 2 of the current OCIMF report template (OCIMF Report Template - OVIQ2 – 7105 - 1.0.05) to comply with MR 11 however, any defects indicated in the report must be identified in the mobilization plan including the planned corrective action. The complete reports must be available for review at Vessels Confirmation Assessment. Please also refer to modification #61 of this solicitation amendment 011.

### **Question # 148**

Further to Canada's responses to questions 78 and 126 and Modifications 29 and 30, we request clarification of how Canada intends the "fault-based liability model" (as referenced in Canada's response to question 77) to operate under the contract. Under the revisions to Section 7.38(b) made under Amendment 007, the Contractor is required to waive all claims of salvage against distressed vessels to whom services are rendered but the last sentence of 7.38(b) and subsections (i) to (iii) appear to have been deleted, thereby removing any protection or indemnity for the ETV contractor either from the client (Canada) who has directed the ETV to respond or from the vessel under salvage, whether for loss or damage to the ETV or the salvaged vessel or the crew/passengers of either ship. The minor amendment to Addendum 2 to Appendix B of Annex A made by Modification #30 only provides relief for the Contractor from claims made by the salvaged ship, only in the case of good seamanship and due diligence, and only if Canada manages to obtain such an agreement from the vessel captain (which is not under the ETV contractor's control).

We believe the deleted provisions of 7.38(b) and subsections (i) to (iii) had been central to the contractual liability regime and note that Canada was protected by the fault based carveouts for "gross negligence" contained in those subsections. Since the ETV Contractor waives salvage rights against the distressed vessels, and must respond without fail to each incident when directed by CCG to do so, the Contractor should at

the very least be released from liability by the salvaged ship for loss or damage to that ship, its cargo, passengers and crew while performing the salvage operations, however caused but subject to a gross negligence exception (as had been the case for salvage of Canada's ships under the former 7.38 (iii)). This could be accomplished by amending Addendum 2 to Appendix B of Annex A in the last bullet before the signature line to replace the words "...despite the exercise of due diligence and good seamanship practices of the master and crew of the SAR Unit." with "... unless the damages have been caused by the gross negligence of the SAR Unit." This would make the ETV Contractor responsible for its own loss (which it can insure), and the distressed vessel liable for its own loss (which it will already have insured) unless caused by the ETV's gross negligence.

Answer to question # 148

Please refer to modification #63 of this solicitation amendment 011.

Question # 149

We just completed the reading of Amendment 9, we realize that there is a conflict between the SOW of Appendix A to Annex A, point h in the original tender document and Point 54 of Amendment 9. This is MR4.

The original document said that the Noble Denton U notation would be required at delivery and amendment 9 clarifies unequivocally that it has to be provided at bid submission.

We therefore respectfully ask for a full 4 weeks extension from April 5th to allow us to have the notation certification done at bid submission rather than vessel delivery.

Answer to question # 149

After further review, Canada as decide to accept that MR 4 be demonstrated at the Vessels Confirmation Assessment, as such please also refer to modification #60 of this solicitation amendment 011.

Question # 150

At RR-16 and RR-17, to win 6 points for 4 items of fitted equipment depends on having two of four items of GFE. Could the winning statement for 6 points read as follows - "The Bidder has demonstrated that the vessel is fitted with at least 2 of 4 additional electronic items of equipment, and has also provided a statement of compliance that space is available for the two items of GFE equipment to be fitted during mobilization."

Answer to question # 150

Please refer to modification #62 of this solicitation amendment 011.

Question # 151

Due to the logistical requirements of the printing of the bid submission documents, and the requirement to transport the documents to Ottawa, we respectfully request that the Client applies a deadline, after which the Client will not be issuing any further addenda to RFP F7017-160056. Would the Client consider a deadline of 5 days before the bid closing date?

Answer to question # 151

Canada has reviewed the question, unfortunately article 2.4 will not be modified.

Question # 152

With respect to MR 4, where a bidder is offering two identical sister vessels, one of which is currently inactive (either laid up, or still under construction) will certification as a towing vessel and registration on the DNV GL Database for the lead vessel, with a statement from DNV GL indicating that the second vessel, when completed / reactivated, can also then be placed on the register, be acceptable for the second offered identical vessel proposed for slot two?

Answer to question # 152

No, as per MR 4 the vessels must be in possession of the certificate at Vessels Confirmation Assessment. Please also refer to modification #60 and answer #149 of this solicitation amendment 011.

Question # 153

With respect to RR 15, there are three various levels of IMO Oil Response training (IMO Level 1 through 3) all with varying content and time frames. Can CCG advise which level of IMO training and certification would be preferred for Master and Crew?

Answer to question # 153

Canada has no preference with respect to the level required.

Question # 154

With respect to Amendment 010, and the many questions and modifications to the solicitation, the extension in bid closing is appreciated. However, with respect to MR-4 there has also been a considerable number of questions and a variety of answers. While the now current Amendment 010 declaration that the Towing Vessel Approvability Certificate be in place at Bid Closing might be advantageous for us, it does not appear to be a fair decision overall. In the interests of fairness and competition, and to allow for any gaps to be adequately addressed by any bidder, the previous answer to Question 117 would appear to be the fair and reasonable requirement for all bidders. Thus also ensuring fair competition for CCG to obtain a "Best Overall Proposal" for their Emergency Vessel Towing Requirement. Then it is respectfully requested that the detail in Question 117 be acknowledged and the answer to Question 117 stand as the requirement, which is "The "Unrestricted" (U) notation is a key requirement and must be demonstrated at the Vessels Confirmation Assessment.

Answer to question # 154

Please refer to modification #60 and answer #149 of this solicitation amendment 011.

**ALL OTHER TERMS AND CONDITIONS OF THE RFP REMAIN UNCHANGED**