



2019-05-18

Standards Council of Canada  
55 Metcalfe Street, Suite 600  
Ottawa ON K1P 6L5  
Canada

**Subject: Request for Proposal (RFP) # 2020-01  
Construction and Machinery Products Requiring Third-Party Conformity  
Assessment in Canadian Regulations**

This document represents an invitation to Bidders to submit their proposals to the Standards Council of Canada (SCC) for the Implementation of CETA's Conformity Assessment Protocol for Construction and Machinery Products Requiring Third-Party Conformity Assessment in Canadian Regulations.

In accordance with the Statement of Work attached hereto as Appendix "B", SCC will issue a contract to the successful Bidder, establishing the pricing and terms / conditions under which the above-mentioned project will be undertaken.

Proposals must be received by SCC no later than **16:00 hours, (4 p.m.) EDT on Monday, June 10, 2019**. It is the Bidder's responsibility to deliver their proposal prior to **the time/date of bid closing**. Proposals received after 16:00 hours will not be accepted; they will be returned to the sender unopened.

**PROPOSALS ARE TO BE SUBMITTED ELECTRONICALLY TO [contracts@scc.ca](mailto:contracts@scc.ca)** by the time/date of bid closing (including the financial proposal).

**1. ATTACHMENT 1 – Technical Proposal**

*NOTE: No financial information is to be included in ATTACHMENT 1*

**2. ATTACHMENT 2 – Financial Proposal**

**Proposals that do not contain the requested documentation may be considered incomplete and disqualified. Bidders may submit their financial proposal in the format of their choice.**

**SCC is not obliged to accept the lowest bid and/or any proposal.**

Questions with respect to the meaning or intent of this process, or requests for correction to any apparent ambiguity, inconsistency or error in the document must be submitted in writing to [contracts@scc.ca](mailto:contracts@scc.ca) and must be received by 12:00 hours (noon) EDT on **Monday, May 27, 2019**. All answers will be communicated to all potential bidders via email.

**Request for Proposal # 2020-01**

**Checklist of Documents**

**APPENDIX A: REQUEST FOR PROPOSAL – ACCEPTANCE FORM..... 3**

**APPENDIX B – STATEMENT OF WORK..... 6**

**APPENDIX C – TECHNICAL EVALUATION CRITERIA ..... 13**

- i) Category 1: Experience / Competence of the Bidding Organization(s) and Project Team(s) ..... 14
- ii) Category 2: Demonstration ..... 17
- iii) Category 3: Quality of the Proposal ..... 18

**APPENDIX A: REQUEST FOR PROPOSAL – ACCEPTANCE FORM**

**Proposal Submitted by**

\_\_\_\_\_  
**(Name of Company)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**(Complete Address)**

**GST/HST Number** \_\_\_\_\_ **BIN Number** \_\_\_\_\_

Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Contact Email Address: \_\_\_\_\_

1. The Undersigned (hereinafter referred to as “the Bidder”) hereby proposes to the Standards Council of Canada (SCC) to furnish all necessary expertise, supervision, materials, equipment and other incidentals necessary to complete to the entire satisfaction of SCC or their authorized representative, the work described in the Terms of Reference / Statement of Work attached hereto as Appendix “B”.
  
2. The Bidder hereby proposes to perform and complete the work in accordance with the terms and conditions (at the place and in the manner) specified in:
  - (i) Appendix A - attached and entitled “Request for Proposal – Acceptance Form”;
  - (ii) Appendix B - attached and entitled “Statement of Work”;
  - (iii) Appendix C - attached and entitled “Technical Evaluation Criteria”;
  
3. **Period of Services**
  - (i) The contract award date is the date that the contract is signed by the Bidder and SCC.
  - (ii) The service start date is the date that the Bidder and SCC agree to commence the work.
  - (iii) The Bidder hereby proposes to perform the work commencing on the service start date and have work completed according to the timelines in Appendix A – Statement of Work.

**4. Financial Proposal**

The Bidder will submit a financial proposal in a format of their choice.

**5. Optional Modifications**

In the event that SCC requests the successful Bidder to proceed with any optional modifications or additional changes to the process, payment for this additional work will be based on the per diem rates quoted (see Appendix D of SCC RFP #2020-01).

Authorization to proceed with additional work will be provided by way of a contract amendment as per the established proposal.

**6. Optional Years**

SCC may decide, at its discretion, to exercise an option by means of formal contract amendment, to extend the term.

**7. Federal Goods and Services Tax (GST) and Harmonized Sales Tax (HST)**

The prices and rates quoted as part of the Bidder’s proposal are NOT to include any provision for taxes.

**8. Payment Schedule**

As a result of acceptance of the Bidder’s proposal, SCC reserves the right to negotiate an acceptable payment schedule prior to the awarding of a contract and/or any amendments.

**9. Appropriate Law**

Any contract awarded by SCC as a result of SCC RFP #2020-01 shall be governed by and construed in accordance with the laws in force in the Province of Ontario, Canada.

**10. Tender Validity**

The Bidder agree(s) that their proposal will remain firm for a period of 90 calendar days after the **the time/date of bid closing**.

**Signatures**

The Bidder herewith submits this bid in accordance with the requirements specified in the Request for Proposal documents.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Per \_\_\_\_\_  
NAME OF COMPANY

Per \_\_\_\_\_  
(Signing Officer and Position)

Per \_\_\_\_\_  
(Signing Officer and Position)

## **APPENDIX B – STATEMENT OF WORK**

<b>STATEMENT OF WORK</b>	
<b>TITLE</b>	Implementation of CETA's Conformity Assessment Protocol: Construction and Machinery Products Requiring Third-Party Conformity Assessment in Canadian Regulations
<b>OBJECTIVE</b> (what is to be achieved)	<p>The successful Bidder(s) will create a list of products for which certification/testing by third-party conformity assessment bodies (CABs) is required under Canadian federal, provincial, territorial, and municipal (F/P/T/M) legislation and regulation, noting where the accreditation of such bodies is also required. The two product categories are as follows:</p> <ol style="list-style-type: none"> <li>1. Construction products,</li> <li>2. Machinery, including parts, components, including safety components, interchangeable equipment, and assemblies of machines (referred to simply as machinery products).</li> </ol> <p>The successful Bidder(s) will be required to undertake comprehensive research and conduct a review of current regulatory requirements in Canada related to the two product categories.</p> <p><b>Bidders may choose to bid on one or both product categories (construction products and/or machinery products) requested by this RFP.</b></p>
<b>BACKGROUND</b> (reasons for the contract, description of the organization, mission, part of a larger project, related documents, related projects,	<p>The Standards Council of Canada (SCC) is a crown corporation established by an Act of Parliament in 1970 to foster and promote efficient and effective voluntary standardization in Canada. As the leader of Canada's standardization network, SCC leads and facilitates the development and use of national and international standards and accreditation services in order to enhance Canada's competitiveness and well-being.</p> <p>On October 30, 2016 Canada and the European Union (EU) signed The Canada-EU Comprehensive Economic and Trade Agreement (CETA). This agreement entered into force on September 21, 2017. CETA is by far one of Canada's most ambitious trade initiatives, and covers the trade in goods and services, non-tariff barriers, investment, government procurement, as well as other areas like labour and environment. CETA opens new markets in the EU for Canadian exporters and generates significant benefits for all Canadians.</p> <p>CETA contains the <i>Protocol on the mutual acceptance of the results of conformity assessment</i> (referred to as the Conformity Assessment or CA Protocol). The CA Protocol establishes a framework for the acceptance, by Canada and the EU, of product certifications/testing in certain product categories by recognized bodies in the other party. The goal is to reduce costs and marketing delays by allowing Canadian</p>

	<p>companies to have their products in these categories certified/tested in Canada for the EU market (and vice versa).</p> <p>SCC is implementing the CA Protocol on behalf of the Government of Canada and the European co-operation for Accreditation (EA) is doing the same on behalf of the EU. To that effect, SCC and EA signed a cooperation agreement in June 2016, with the goal of having CABs with a Canadian legal presence recognized to certify/test to EU requirements, with recognition underpinned by SCC accreditation, and having EU CABs recognized to certify/test to Canadian requirements, with recognition underpinned by accreditation from an EU National Accreditation Body (NAB).</p> <p>At this time, the CA Protocol applies only to those product categories listed in Annex 1 of the CA Protocol.</p> <p>A framework has been developed for the recognition of SCC and EU NABs to accredit CABs in their territory to the other party's requirements, with the goal of implementing as many product categories in Annex 1 of CA Protocol as possible, prioritized based on stakeholder input. SCC and EA chose equipment for potentially explosive atmospheres (known as ATEX in the EU and referred to as HAZLOC in Canada) as the initial pilot product category.</p> <p>SCC is looking to implement the machinery and construction product categories next.</p>
<p><b>SCOPE</b> (range, extent and boundaries of the work, duration of the overall project, etc.)</p>	<p>This work should be conducted through: Review Canadian F/P/T/M legislation and regulations, supplementary guidelines, and any additional requirements related to the product categories of construction and machinery:</p> <ul style="list-style-type: none"> <li>• Review F/P/T/M legislation and regulations related to machinery and/or construction products</li> <li>• Determine and make a list of all products that require third-party conformity assessment under the F/P/T/M legislation and regulations</li> <li>• For each product, list the specific regulatory requirements related to third-party conformity assessment, and note in each case whether the regulations require (or not) accreditation</li> <li>• Review supplementary guidelines and codes, such as the National Building Code, any additional requirements, as well as standards referenced in the regulations/codes to determine requirements for third-party conformity assessment and accreditation</li> <li>• For those products for which certification/testing by third-party</li> </ul>

CABs is required and where those bodies must be accredited, this work should also identify the product(s) for which export volume from Canada to the European Union (EU) is considered medium to high and for which export volume from the EU to Canada is considered medium to high.

This work is limited to the product categories of construction and machinery, included in Annex 1 of the CA Protocol and as defined under “Key Definitions”.

**TIMELINES**

The successful Bidder(s) will be required to prepare and obtain SCC approval of a work plan that outlines the following milestones/deliverables.

**If one Bidder is awarded the contract for both product categories, the following milestones/deliverables submission dates will apply.**

Deliverables/Milestones	Submission Date
Work Plan, including methodology and the identification of specific tasks, including their duration	10 working days after start of contract
Draft #1 – List of products requiring third-party conformity assessment; related regulatory requirements; and, whether regulations require (or not) accreditation	45 working days after start of contract
Draft #2 – Changes incorporated following discussions on Draft #1; review of supplementary guidelines, codes, any additional requirements, and standards referenced; export volume	78 working days after start of contract
Final submission – changes incorporated following discussions on Draft #2	88 working days after start of contract

**For one product category, the following submission dates will apply:**

Deliverables/Milestones	Submission Date
Work Plan, including methodology and the identification of specific tasks, including their duration	10 working days after start of contract
Draft #1 – List of products	30 working days after start of

	<p>requiring third-party conformity assessment; related regulatory requirements; and, whether regulations require (or not) accreditation</p> <p>Draft #2 – Changes incorporated following discussions on Draft #1; review of supplementary guidelines, codes, any additional requirements, and standards referenced; export volume</p> <p>Final submission – changes incorporated following discussions on Draft #2</p>	<p>contract</p> <p>45 working days after start of contract</p> <p>50 working days after start of contract</p>
<b>TRAVEL</b>	No travels costs associated.	
<b>CLIENT SUPPORT</b>	SCC will avail the successful Bidder(s) of the applicable SCC staff required for knowledge transfer and discussion.	
<b>MEETINGS</b>	<p>The successful Bidder(s) will be required to meet at least three (3) times with SCC’s Project Authority. The first meeting will occur at the start of the contract to review and discuss project details. This can occur in Ottawa or by phone if the Bidder is not located in Ottawa.</p> <p>The successful Bidder(s) will then meet with SCC’s Project Authority after delivery of draft #1 and draft #2 to review progress and discuss comments. The successful Bidder(s) will be required to provide SCC staff with brief updates on progress every two weeks.</p> <p>In the event of questions or concerns, SCC’s Project Authority will be available to discuss.</p>	
<b>DELIVERABLES</b>	<p>As part of this RFP, the successful Bidder(s) will be expected to organize their work into the following phases:</p> <ol style="list-style-type: none"> <li>1) Work Plan;</li> <li>2) Draft #1;</li> <li>3) Draft #2;</li> <li>4) Final submission.</li> </ol> <p>The language of all meetings and deliverables will be English.</p> <p><b>The reports, as well as any tables, will be delivered in electronic format using Microsoft Excel.</b></p>	
<b>KEY DEFINITIONS</b>	<b>Bidder</b> refers to the lead organization(s) under whose name the proposal (response to SCC RFP-2020-01) is being submitted.	

**Accreditation** means third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks;

**Conformity assessment** means a process to determine whether relevant requirements in technical regulations have been fulfilled.

**Conformity assessment body** means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

**Third-party conformity assessment** means conformity assessment that is performed by a person or body that is independent of the person or organization that provides the product, and of user interests in that product;

**EU** means the European Union

**EA** means the European co-operation for Accreditation

**Construction products**, as per Reg. (EU) No 305/2011, means any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works:

- 'kit' means a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works

**Machinery, including parts, components & assembly of machines**, as per EU Directive 2006/42/EC, means:

- an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application,
- an assembly referred to in the first indent, missing only the components to connect it on site or to sources of energy and motion,
- an assembly referred to in the first and second indents, ready to be installed and able to function as it stands only if mounted on a means of transport, or installed in a building or a structure,
- assemblies of machinery referred to in the first, second and third indents or partly completed machinery referred to in point (g) which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole,
- an assembly of linked parts or components, at least one of which moves and which are joined together, intended for lifting

	<p>loads and whose only power source is directly applied human effort;</p> <ul style="list-style-type: none"><li>○ 'Safety component' means a component:<ul style="list-style-type: none"><li>○ which serves to fulfil a safety function,</li><li>○ which is independently placed on the market,</li><li>○ the failure and/or malfunction of which endangers the safety of persons, and</li><li>○ which is not necessary in order for the machinery to function, or for which normal components may be substituted in order for the machinery to function.</li></ul></li><li>○ Interchangeable equipment:<ul style="list-style-type: none"><li>○ a device which, after the putting into service of machinery or of a tractor, is assembled with that machinery or tractor by the operator himself in order to change its function or attribute a new function, in so far as this equipment is not a tool.</li></ul></li></ul>
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## **APPENDIX C – TECHNICAL EVALUATION CRITERIA**

## **Technical Evaluation Process**

- Bidders must achieve a minimum score of 70% (38 points of a possible 54 points) for the point-rated technical criteria as stated in the *Technical Evaluation Criteria*. Only proposals achieving a minimum score of 70% will be considered. Each proposal will be evaluated by its demonstration of the following three (3) categories:

<b>Category</b>	<b>Minimum Possible Score</b>	<b>Maximum Possible score</b>
1. Experience/competence of the Bidding Organization(s) and Project Team(s)	28	40
2. Demonstration	6	8
3. Quality of the proposal	4	6
<b>Total</b>	<b>38</b>	<b>54</b>

- The point-rated requirements correspond to specific criteria, which have been identified as forming the basis for the accumulation of points in each of the three (3) categories. Those proposals that are judged by the Evaluation Committee as not having obtained the minimum number of points will be disqualified.
- In the financial evaluation, tendered prices of the qualified bids will be computed as stated in the *Appendix D: Financial Proposal Template*. The highest-ranked Bidder(s) will be determined using the highest combined rating of technical merit (70%) and cost (30%).
- An Evaluation Committee, consisting of three (3) SCC representatives will be formed to assess all bids received in response to SCC RFP-2020-01
- All bids will be treated anonymously to ensure fair evaluation. The Evaluation Committee will be dissolved subsequent to the successful completion of their duties in selecting the Bidder(s) with whom SCC will contract to deliver on the above Statement of Work.

## **Technical Evaluation Criteria**

### **i) Category 1: Experience / Competence of the Bidding Organization(s) and Project Team(s)**

The Evaluation Committee will assess the experience and competence of the Bidding Organization(s) (“the Bidder(s)”) and Project Team Members with respect to RFP-2020-01, using the following criterion:

- knowledge of Canadian F/P/T/M legislation and regulations related to the construction and machinery product categories;
- ability to review F/P/T/M legislation and regulations, supplementary guidelines, and any additional requirements in Canada to determine for what construction and/or machinery products third-party conformity assessment is used and whether the regulations requires (or not) accreditation;
- knowledge of third-party conformity assessment and accreditation in a Canadian context, including how this relates to regulatory requirements;

- experience in collecting and analyzing information from legislation, regulations, supplementary guidelines, and codes; and
- experience in analyzing information and presenting information in clear, concise reports.

The Bidder must provide examples that demonstrate the extent to which they meet each criterion. The same example may be used to meet various criteria but must be revised accordingly to highlight the context within which it applies. The basis for scoring each criterion is provided in the table below.

The Bidder must achieve a minimum of 28/40 points in this category in order for their proposal to be further considered.

The Bidder is asked to provide the following information for each product category on which they are bidding.

Criterion	Basis for Scoring	Maximum Possible Score
<p>I.A The Bidder is asked to provide:</p> <ul style="list-style-type: none"> <li>• one (1) example that demonstrates the organization’s knowledge of construction and/or machinery products in Canada</li> <li>• one (1) example that demonstrates the project team s knowledge of construction and/or machinery products in Canada</li> </ul>	<p>For each of the two (2) requested examples, points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the example is <u>implied but not explicit</u>;</p> <p>-up to four (4) points will be awarded if the <u>example is explicit and relevant</u></p>	8
<p>I.B The Bidder is asked to provide:</p> <ul style="list-style-type: none"> <li>• one (1) example that demonstrates the organization’s knowledge of applicable F/P/T/M legislation and regulations related to construction and/or machinery products</li> <li>• one (1) example the demonstrates the project team’s knowledge of applicable F/P/T/M legislation and regulations related to construction and/or machinery products</li> </ul>	<p>For each of the two (2) requested examples, points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the example is <u>implied but not explicit</u>;</p> <p>-up to four (4) points will be awarded if the <u>example is explicit and relevant</u></p>	8

Criterion	Basis for Scoring	Maximum Possible Score
<p>I.C The Bidder is asked to provide:</p> <ul style="list-style-type: none"> <li>• one (1) example that demonstrates the organization’s ability to collect, review, and analyze information from legislation, regulations, supplementary guidelines, and codes</li> <li>• one (1) example that demonstrates a project team’s ability to collect, review, and analyze information from legislation, regulations, supplementary guidelines, and codes</li> </ul>	<p>For each of the two (2) requested examples, points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the example is <u>implied but not explicit</u></p> <p>-up to four (4) points will be awarded if the <u>example is explicit and relevant</u></p>	8
<p>I.D The Bidder is asked to provide:</p> <ul style="list-style-type: none"> <li>• one (1) example that demonstrates the organization’s knowledge of third-party conformity assessment, and accreditation as it relates to regulatory requirements in a Canadian context</li> <li>• One (1) example that demonstrates a project team’s knowledge of third-party conformity assessment and accreditation as it relates to regulatory requirements in a Canadian context</li> </ul>	<p>For each of the two (2) requested example, points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the example is <u>implied but not explicit</u></p> <p>-up to four (4) points will be awarded if the <u>example is explicit and relevant</u></p>	8
<p>I.E The Bidder is asked to provide:</p> <ul style="list-style-type: none"> <li>• One (1) example to demonstrate the organization’s experience presenting information in clear and concise reports</li> <li>• One (1) example to demonstrate a project team’s experience presenting information in clear and concise reports</li> </ul>	<p>For each of the two (2) requested example, points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the example is <u>implied but not explicit</u></p>	8

Criterion	Basis for Scoring	Maximum Possible Score
	-up to four (4) points will be awarded if the <u>example is explicit and relevant</u>	

**ii) Category 2: Demonstration**

The Bidder must achieve a minimum of 6/8 points in this category in order for their proposal to be further considered.

Criterion	Basis for Scoring	Maximum Possible Score
<p>1. The Bidder is asked to provide a:</p> <ul style="list-style-type: none"> <li>• Demonstration of the approach that will be taken to successfully complete the required work, which includes, at a minimum, demonstration of an understanding of the Statement of Work, and the technical effort needed.</li> </ul>	<p>Points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the criterion is minimally demonstrated</p> <p>-up to four (4) points will be awarded if the criterion is expertly demonstrated</p>	4
<p>2. The Bidder is asked to provide a:</p> <ul style="list-style-type: none"> <li>• demonstration of adequate accounting for possible risks to the timely completion of work, which will include, at a minimum, risk identification and description and mitigation strategy.</li> </ul>	<p>Points will be awarded as follows:</p> <p>-up to two (2) points will be awarded if the demonstration of risk is minimally accounted</p> <p>-up to four (4) points will be awarded if the demonstration of risk is clearly accounted</p>	4

**iii) Category 3: Quality of the Proposal**

The Evaluation Committee will assess the quality of the proposal to determine whether the information organized within the proposal is presented in a clear and comprehensive fashion.

The Bidder must achieve a minimum of 4/6 points in this category in order for their proposal to be further considered.

<b>Criterion</b>	<b>Basis for Scoring</b>	<b>Maximum Possible Score</b>
The Bidder is asked to: ensure that the proposal is neatly formatted and organized, that different elements of the proposal are accurately identified, well-written, and that the proposal makes clear to the reviewer where responses to the point-rated requirements are located	Points will be awarded as follows:  -up to three (3) points if the proposal meets the criterion in an adequate manner -up to six (6) points if the proposal meets the criterion in an exceptional manner	<b>6</b>