

## RFSO 1000213942

Litigation Research Analysis, Litigation Research Services and Document Management Services  
Standing Offer Agreement (Individuals).

### Questions and Answers (Q's & A's)

#### Q1.

The introduction of a new geographic component comprising 17% of an individual Bidder's Technical score is a concern to me (RFSO pages 26-28). How will these narrowly-defined "regions" (pages 81-82) on which a Bidder may propose affect the allocation of contracts under the new SOAs? For example, if a Resource has been working from their own office near one "region", on a project that has been managed by an ISC/CIRNAC case manager located in a second "region", and the subject matter of the project is based within the province/territory of either the second or even a third "region", would the Bidder - if successful in proposing on their own geographic region – be eligible to continue working on that project? Will call-ups be allocated according to the location of the project subject matter or the case manager? If the individual Bidder proposed on the second region they would be at a potential 17% disadvantage for not maintaining an office and accommodation within the second region, regardless of the fact that they had never been required to attend at an office or archive in that second region to perform hard-copy file review. They would consequently rank significantly lower under this new regime. When this SOA takes effect, does ISC/CIRNAC anticipate a massive re-assignment of the projects for which successful Bidders may be called-up?

#### A1.

Call-Ups (against Standing Offers) will be allocated as per section 7.9.1. CIRNAC/ISC Case Managers will be able to utilize the resources on any/all of the regional streams regardless of their geographic region. Further, Call-Ups are allocated on a case-by-case basis, depending on the particulars of the project.

#### Q2.

We have a question pertaining to Sections 4.1.1 and 4.1.2 on page 10 of the RFSO. Section 4.1.1 states that bidders can submit a bid for more than one region, but 4.1.2 says not more than one resource can be proposed by a bidder, as well as that the same individual cannot be named in more than one offer. Is this the correct interpretation of these sections: bidders may not propose the same resource in more than one bid, but may propose a unique individual for each Regional bid?

#### A2.

**Section 4.1.1. of the RFSO should actually state that bidders can only submit a bid for one region. Your interpretation is thus correct. Bidders are not able to propose the same resource in more than one bid, but can propose a unique individual for each regional bid.**

#### Q3.

If I apply only for the Prairie Region work, will that limit me to only working on files in the Prairie Region? I have been under contract to DIAND for over 18 years now but have provided my services in a variety of regions even though I've only ever been on a contract specific to either Vancouver or to Calgary at any one time.

**A3.**

**No. See response to Question 1.**

**Q4.**

There is a reference to points relating to being within 75 KM of the Region of Delivery. I no longer live in Calgary but that has not changed my availability with respect to working in that location. Since moving away from Calgary, I have worked in the Calgary office, the Calgary IOGC archives and the Provincial Archives of Alberta, as well as working on-site at the Provincial Archives of Manitoba in relation to DIAND files. Is it sufficient for me to demonstrate that I am able (and have) provided my services based on work from the Calgary office at no cost to the Department?

**A4.**

**The score for R1.4/R2.4 subsection a) will be impacted by the Bidder's proximity to the Region of Delivery. However, partial points may be granted if the bidder can demonstrate that the resource is able to provide the specified services under R1.4 or R2.4 subsection(s) b) and c) at no extra cost to the Department(s).**

**Q5.**

On page 25 is the Evaluation Factors section with respect to R1.3.4, Document Review Methodology. Does this methodology relate to the File Review steps in relation to collecting potentially relevant documents (RS level), or does it relate to the process of analyzing documents that have been collected as a result of the file review process (RA level)?

**A5.**

This methodology relates to the File Review steps involved in collecting potentially relevant documents (RS level).

**Q6.**

I saw the latest CIRNAC RFSO for research and analysis services covering Vancouver, Quebec, Prairies and Halifax. Will there be a separate RFSO for the Ontario or NCR regions coming in the near future?

**A6.**

**No.**

**Q7.**

Page 36 - paragraph 4.5.6 states that Bidders must provide a per diem rate for a 7.5 hour day for each service category. This is a departure from previous RFSOs and SOAs which have been based on an 8.0 hour billable day. Would you please confirm that Bidders should base their offers on a 7.5 hour billing day?

**A7.**

Yes, as per section 4.5.6, Bidders must provide per diem rate for a 7.5 hour day and per each Service Category.

**Q8.**

Page 91 of the RFSO, section 14.1.3 states that “Unless on-site work and/or meetings at CIRNAC premises or at archival repositories is required by the specific demands of a Call-up, the Contractor shall conduct work at its own place of business...” This has been the understanding and working relationship under previous SOAs.

- a. Why then has Canada introduced at the Standing Offer qualification level in Point-Rated Criteria No. R1.4, a new, contradicting requirement worth 15% of a Bidder’s “score” that the Bidder have capacity to do 1-2 days a week in a regional office/archive (as defined in paragraph 4.1 at page 80-82) doing hard copy file review? File review is not a requirement of all call-ups - particularly as the litigation progresses beyond the document production phase. A Consultant who has dedicated time to a file through the pre-trial phases may now be precluded from continuing their analysis work on that file, simply because their office is in a different region and it is not therefore feasible to be in an office or archive 1-2 days/week to do unnecessary file review. Should this not be left to the case manager’s needs in a particular call-up?
- b. What is the reason for introducing a new automatic additional 2-point deduction at the Standing Offer qualification level (page 33, R1.4) for an Independent Research Consultant whose office is located slightly outside of a 75 km radius of a regional office or archive as defined in paragraph 4.1 at page 80-82, (particularly on Stream 1)? Access to an office can be as - or more - dependent on traffic congestion and transportation schedules as it is on simple distance. Again, why is this not left to the case manager’s needs in a particular call-up?

**A8.**

The Department(s) have a need for researchers to be available to conduct research at specific office sites and archives across the Country. See also responses to Question 1 and 4.

**Q.9**

Can you please confirm how you would like the soft format delivered? It’s unclear on whether it’s email, USB or disk.

**A9.**

Email at the address specified on page 1 of the solicitation, in PDF or Word format

**Q10.**

We are requesting an extension for the RFSO 1000213942 as there has been no posted Q and A.

**A10.**

Agreed. Bidding period will be extended by two (2) additional weeks from October 7, 2020 @ 2:00pm EST to October 21, 2020 @ 2:00pm EST.

**Q11.**

Page 4 - Section 1.2.1 - The upcoming SOAs were originally anticipated for May 2020. What is the new date?

**A11.**

The new anticipated date is February 2021

**Q12.**

Page 10 - Section 4.1.2 second note - May more than one bidder be proposed under the same company name? ie Company ABC proposes resource 123 under Stream 1 in one region. Company ABC proposes resource 456 under Stream 1 in the same region (submitted in completely different / separate proposal packages)

**A12.**

No. See answer to question 2. Bidders can propose a unique individual for each regional bid.

**Q13.**

Page 14 Section M1.3 Project Summaries - For projects that have continued for more than 10 years (but have been completed) in the last 120 months, are the only RA activities that will be assessed those completed in the last 10 years? And will billable days completed prior to the last 120 months be assessed or not?

**A13.**

Billable days completed prior to the last 10 years will not be assessed.

**Q14.**

Page 15 Section M1.4 Reference Letters - For projects that have continued for more than 10 years (but have been completed) in the last 120 months, should billable days, tasks, and deliverables completed prior to the last 120 months be included or not?

**A14.**

No. Only billable days from the last 10 years will be assessed.

**Q15.**

Page 18-19 Sections M2.3 and M2.4 - same questions as above for projects that have continued for more than 10 years for Stream 2 proposals

**A15.**

No, same as above

**Q16.**

Page 19-29 Point Rated Technical Criteria Table - Should the table be recreated in its entirety or should we include only the information that applies? Specially, if applying for the Vancouver region, should the information pertaining to other regions in section R1.4 be included in the table in our submission?

**A16.**

Bidders can choose to remove the sections of R1.4 that apply to regions that they are not applying for or may cross out those sections. I.e. If applying for the Vancouver region, bidders do not need to include sections for the Prairie, Quebec, or Halifax regions.

**Q17.**

Page 15 & 28 - M1.4 specifically states the reference letters should be provided in a section at the end of the bid package and do not require page numbers. R1.5 c) awards up to 2 points for paginating all pages of the Offer, using a consistent format. Will points be removed for not paginating the reference letters?

**A17.**

No. Points for R1.5 will not be deducted for not paginating the reference letters.

**Q18.**

Page 25 Section R1.3.3 - Are the evaluation factors correct?

- Six (6) points: Five (5) relevant sources have been identified
- Four (4) points: Four (4) relevant sources have been identified
- Three (3) points: Three (3) relevant sources have been identified...

**A18.**

Yes, the evaluation factors are correct.

**Q19.**

are the tasks to be inserted in the M4 reference letter template in the section "Task(s) Completed" meant to be a duplicate of the tasks listed in the M3 project summary under the section "Tasks completed by the bidder's proposed resource during the project" ?

**A19.**

Yes. But task descriptions can be a shortened version in the reference letter.

**Q20.**

Regarding the reference letter requirement for RFSO 1000213942, I have run into an issue. The project I would like to cite in one of the letters was completed under a Project Manager who, as I just found out, is also bidding on this contract. She cannot provide the letter, and I was wondering, could it be just a good to have a Senior Researcher, who I worked with on the project, write the letter on my behalf? This would

not fit the form exactly, and so I would like your guidance on this, please. If what I propose would suffice, would I lose points due to this unfortunate circumstance?

One other thing I should have noted, is that the person who I wanted to write the reference letter, was one of just two project managers under whom I worked at the (RA) level. Since she is applying for this work as well, it's not in her interest to provide a good reference for me, and in any case, she has told me that she can't, as she considers it a conflict of interest.

**A20.**

The Reference letters must be completed by someone at the Client Organization. If the specific Client contact or Project Manager/Case Manager is not able to complete the reference, then someone else at that organization (such as a team leader) who is familiar with the project and deliverables and can speak to Research Services or Research Analysis abilities of the proposed resource may sign the reference letter.

**Q21.**

When the electronic submission is emailed, will we get a confirmation of receipt? Will we receive confirmation that the electronic documents can be opened?

**A21.**

Yes

**Q22.**

I have a question on Annex B, Basis of Payment. I don't believe this is a proprietary question though I do know there is some sensitivity regarding questions about rates. I hope you can answer it.

The table allows us to submit rates for the initial SOA and Option years 1 and 2. The text under the tables on section 6 on page 95 related to the Consumer Price Index seems to indicate that the CPI will automatically be applied to rates in April of each year. It also states "Resource per diem rates quoted in the first year of the SOA may be increased or decreased by an amount equal to the Consumer Price Index (CPI) for Canada."

The link provided doesn't work.

So are we expected to calculate the CPI for Option years 1 and 2 or enter the same rate as initial SOA and it will be automatically calculated? If we enter a rate different than the CPI in option years 1 and 2 will we be deemed non-compliant?

**A22.**

Bidders are responsible for the calculation and enter it in the Annex B tables

Here's the updated link: <https://www150.statcan.gc.ca/n1/daily-quotidien/200722/dq200722a-eng.htm>

**\*Please see clarification at Q&A 36\***

**Q23.**

Page 1 - Bid Solicitation - Delivery required and Delivery offered - what information is needed here? Is it the region of delivery or something else? This page prints in landscape format. Do you want it submitted that way?

**A23.**

Delivery required and Delivery offered are for dates. Delivery required would be the closing date of the solicitation and Delivery offered would be the bidders submission date if prior to the closing date of the solicitation. Any format will be accepted.

**Q24.**

Page 9 - Section IV: Additional information - Is the information required in Section IV, 3.3 to be added to Section III Certifications or Section 1 Technical Offer?

**A24.**

Information should be included in the Section III

**Q25.**

I note the Canada Buy and Sell posting no longer includes Prairie Region in the Region of Delivery section. Is that no longer an option? I note Manitoba on the list. Is that the replacement?

**A25.**

For the purposes of this SOA, the Prairie Region shall be defined as either the area within 75 km of the Calgary CIRNAC/ISC office located at 220 4th Ave SE, Calgary, Alberta, or the area within 75 km of the Winnipeg service point of Library and Archives Canada located at 1700 Inkster Boulevard, Winnipeg, Manitoba.

**Q26.**

Page 1 of the RFSO states that bids must be returned to the specified email address, and page 6, 2.2.1 states offers must be submitted in soft copy format to CIRNAC at the receiving address on page 1. Offers submitted by any other means will not be accepted. However, page 94 states that the Bidder's Financial offer "MUST" be submitted in a sealed envelope, and the Bidder's failure to comply with this will result in the offer being deemed non-compliant and given no further consideration. No street address is provided. Please confirm how Financial Bids should be submitted.

**A26.**

The intention at first was to receive paper bids but the intention was side tracked due to the Covid pandemic and the method of submission was changed from paper to electronic. Even though we tried to get rid of everything regarding paper bids it's possible that we omit some of it. Bids should be submitted electronically to the address on Page 1 of the solicitation. No offers will be deemed non-compliant because the financial bid isn't submitted in a sealed envelope. Please disregard this part as it is a typo and will be corrected.

**Q27.**

Page 95 paragraph 5 refers to “Statement of Work, 8.1 and 8.1.1”, but page 57 has a par. 8.1 but no par. 8.1.1... Is it missing or not applicable?

**A27.**

Page 57 is the “Resulting Contract Clauses” and not the Statement of Work. Paragraph 5 of page 95 is referring to Page 86-87 in the “Statement of Work”

**Q28.**

I wanted to ask a question about region of service delivery. Four regions are specified: Vancouver Region, Prairie Region, Quebec Region, and Halifax region. *Does the bidder have to be physically located in the region of service delivery for which they are bidding?*

**A28.**

No. However, the bidder would not receive full points for R.1.4 or R.2.4

**Q29.**

We have a resource we would like to propose for Stream 1. Can a project summary for a project which the resource undertook prior to joining our firm be used (i.e., the work was done while the resource was employed by another bidding entity)?

**A29.**

Yes

**Q30.**

Regarding M1.3: “For the Québec region only:

At least one of the two project summaries presented against the M2.3 requirement MUST be for work which has been completed in French, and the related project summary MUST also be provided in French.”

Please further explain “work completed in French”. More specifically, does this requirement mean that all deliverables must have been produced in French?(1) Or is the project deemed relevant if it included work in French sources even if the resultant report and/or database entries were produced in English?(2) What if the researcher wrote a French report from English documents -- would that project be acceptable?(3)

**R30.**

1. Yes

2. No

3. Yes, but it is preferable if the source documents were in French.



**Q31.**

Can a bidder use a retired CIRNAC employee as a reference?

**R31.**

Yes

**Q32.**

Regarding the Financial Offer, I do not understand how some of the instructions apply:

- a. 4.5.2 s(p.36) states that "The Bidder's Financial Offer MUST be submitted separately from the Bidder's Technical Offer."

In order to comply with this criteria when submitting the proposal electronically, is it sufficient to submit separate electronic documents in soft copy for the parts of the proposal as attachments to a single cover email, i.e. one electronic file for the Section I: Technical Offer, one electronic file for the Section II: Financial offer, etc.? Or do the electronic files need to be submitted with separate cover emails?

- b. Annex B, Basis of Payment (p.94) states that the Bidder's Financial Offer MUST be submitted in a sealed envelope. Will you please confirm that this statement does not apply to bids submitted electronically?

**A32.**

- a. Sections can be submitted in the same email but in separate attachments within the email
- b. Does not apply to RFSO, this is a typo from previous posting intentions, pls refer to Q&A #26

**Q33.**

- a. 4.5.2 s(p.36) states that "The Bidder's Financial Offer MUST be submitted separately from the Bidder's Technical Offer."

- a. In order to comply with this criteria when submitting the proposal electronically, is it sufficient to submit separate electronic documents in soft copy for the parts of the proposal as attachments to a single cover email, i.e. one electronic file for the Section I: Technical Offer, one electronic file for the Section II: Financial offer, etc.? Or do the electronic files need to be submitted with separate cover emails?

**A33.**

Sections can be submitted in the same email but in separate attachments within the email

**Q34.**

If we are proposing under stream 2 should we be including our Document Management (DM) experience in the M2, M3 and M4 tables? DM work is not included in the mandatory criteria or point-rated criteria tables and it seems we would not receive any additional points for having it. However the DM tasks are listed in Annex "A" Statement of work 6.5 and Annex "A" SW7.0 Deliverables.

**A34.**

DM tasks do not need to be included in the M2, M3, and M4 tables. There are no points awarded for DM tasks. DM tasks are listed in Annex "A" Statement of Work because they will be part of the contract.

**Q35.**

In the Deliverables section of the M3 table it says, "Identify how the deliverables provided match up with the deliverables described in the section 7.0 of the SOW at Annex "A"." It's unclear if additional points may be awarded for including DM deliverables in the M3 table. If we are supposed to add DM deliverables to the M3 table, should it also be added to the M2 table and should time worked be included?

**A35.**

No additional points will be awarded for DM tasks.

**Q36.**

Further to Question 21 of October 8, the question 'if we enter a rate different from the CPI in option years 1 and 2 will we be deemed non-compliant' was not answered.

I want to be sure I understand: the link you provided on October 8 quotes a CPI of 0.7% (that's public information). Does this represent the entire annual increase Bidders can quote for their per diem rates?

In connection with this, if read correctly, does s.6 on page 95 of the RFSO say that Bidders' per diem rates could actually be reduced in future years based on future CPI numbers? Could you please clarify?

**A36.**

There have been a misunderstanding concerning the CPI and here's the clarification:

The CPI will be calculated by CIRNAC each year after the initial contract period. Bidders are to propose their rates in the Annex B "Basis of Payment" table including rates for the option year and before exercising the option years, rates will be recalculated with the CPI rate of the appropriate period as CPI rates are not known in advance. Please note that the rates for the initial period until March 31, 2022 will be firm rates as proposed by the bidders and only option periods will be affected by the CPI rates starting April 1, 2022.

**Q37.**

The RFSO at page 38 indicates that the highest ranking Bidders in the Prairie Region and in the Quebec Region will be awarded SOAs with a significantly higher dollar amount than those in Vancouver or Halifax, and other awards are also disproportionate, without explanation. Will individual Proposals (technical and financial) be evaluated against all the other Proposals received in the same stream on this RFSO, or will they be evaluated against the other Proposals submitted for the same stream within the same region?

**A37.**

Proposals will be ranked in order from highest to lowest Total Score for each stream in each region.

**Q38.**

In the future will the Department ensure that Call-up Proposals will be processed promptly? Delays of two or three months for call-ups to be issued or amended are disruptive to project-planning and deadlines, and can also impact a consultant's ability to accumulate the required number of days on future RFSOs.

**A38.**

This question does not apply directly to RFSO 1000213942, therefore we will not provide an answer.

**Q39.**

For Stream 1, it appears that only RA tasks will be evaluated. If a bidder has completed work on RA, RS, and DM tasks and is only bidding on Stream 1, do RS and DM tasks need to be included in M2 resource table and M3 Project Summaries?

**A39.**

No. If bidding on Stream 1, RS and DM tasks will not be evaluated on the M2 and M3 tables.

**Q40.**

In Table M2, column "Total Billable RA Per Task" is it necessary to differentiate billing under Research Analysis Principal (RAP) completed under firm SOAs from Research Analysis (RA) billing?

**A40.**

No. The Research Analysis Principal (RAP) rate is only applicable to firms. The Stream 1 M2 table should list all full time professional work experience (within the past 120 months) that corresponds with the tasks as defined in section 6.3 of the Statement of Work.