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**Revision to a Request for a Standing Offer**

**Révision à une demande d'offre à commandes**

National Master Standing Offer (NMSO)

Offre à commandes principale et nationale (OCPN)

The referenced document is hereby revised; unless otherwise indicated, all other terms and conditions of the Offer remain the same.

Ce document est par la présente révisé; sauf indication contraire, les modalités de l'offre demeurent les mêmes.

**Comments - Commentaires**

**Vendor/Firm Name and Address**

Raison sociale et adresse du  
fournisseur/de l'entrepreneur

**Issuing Office - Bureau de distribution**

Business Management and Consulting Services  
Division / Division des services de gestion des  
affaires et de consultation  
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<b>Title - Sujet</b> Investigative services Services d'enquêtes	
<b>Solicitation No. - N° de l'invitation</b> E60ZG-220399/A	<b>Date</b> 2021-09-23
<b>Client Reference No. - N° de référence du client</b> 20220399	<b>Amendment No. - N° modif.</b> 006
<b>File No. - N° de dossier</b> 411zg.E60ZG-220399	<b>CCC No./N° CCC - FMS No./N° VME</b>
<b>GETS Reference No. - N° de référence de SEAG</b> PW-\$\$ZG-411-39874	
<b>Date of Original Request for Standing Offer</b> <b>Date de la demande de l'offre à commandes originale</b> 2021-09-01	
<b>Solicitation Closes - L'invitation prend fin</b> <b>at - à 02:00 PM</b> Eastern Daylight Saving Time EDT <b>on - le 2021-10-27</b> Heure Avancée de l'Est HAE	
<b>Address Enquiries to: - Adresser toutes questions à:</b> Baker(411zg), Roxane	<b>Buyer Id - Id de l'acheteur</b> 411zg
<b>Telephone No. - N° de téléphone</b> (613) 858-8291 ( )	<b>FAX No. - N° de FAX</b> ( ) -
<b>Delivery Required - Livraison exigée</b>	
<b>Destination - of Goods, Services, and Construction:</b> <b>Destination - des biens, services et construction:</b>	
<b>Security - Sécurité</b> This revision does not change the security requirements of the Offer. Cette révision ne change pas les besoins en matière de sécurité de la présente offre.	

**Instructions: See Herein**

**Instructions: Voir aux présentes**

<b>Acknowledgement copy required</b> <b>Accusé de réception requis</b>	<b>Yes - Oui</b> <input type="checkbox"/>	<b>No - Non</b> <input type="checkbox"/>
<b>The Offeror hereby acknowledges this revision to its Offer.</b> <b>Le proposant constate, par la présente, cette révision à son offre.</b>		
<b>Signature</b>	<b>Date</b>	
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)		
<b>For the Minister - Pour le Ministre</b>		

## Amendment #006

### Request for Standing Offers (RFSO), Investigative Services, Work Place Harassment and Violence and Disclosures of Wrongdoing

The purpose of this amendment is to provide the following Questions and Answers and amend the solicitation as follows.

#### PART A - QUESTIONS AND ANSWERS

##### QUESTION 001

We would like to clarify if the above RFSO is a re-tender of E60ZG-180493/A or is this totally different RFSO?

##### ANSWER 001

The new Work Place Harassment and Violence Prevention Regulations bill C-65 came into force on January 1, 2021. This means that Canada need to start a new tender process to become compliant with the new law. In order to do so, Canada needs to replace existing Standing Offer E60ZG-180493 with a new one.

##### QUESTION 002

Regarding **Part 7 - Standing Offer and Resulting Contract Clauses**, item 7.16 Additional Resources. We note that the validity period for this Refresh is 200 days prior to expecting the award of the NMSO. Will Vendors who submit a proposal in response to this Refresh also be able to submit additional resources after the due date has closed and prior to contract award? Or should vendors anticipate responding to this procurement with all previously appointed Investigators from the original NMSO SA?

##### ANSWER 002

In Part 2 – Offeror Instructions, reference to the 200 days is the bid validity period for the Request for Standing Offers (RFSO). This is part of the 2006 – Standard Instructions – Request for Standing Offers – Goods or Services – Competitive Requirements.

Item 7.16 Additional Resources is for additional resources that can be provided over and above the ones provided with the bid response after individual SOs are awarded.

It is not mandatory for vendor to respond to this procurement with all previously appointed investigators from the original NMSO as it is not a refresh. Please refer to Question and Answer 001 above.

##### QUESTION 003

Can you please confirm if there is a limit to the amount of resources we are able to submit and propose for the RFSO?

##### ANSWER 003

There is no limit to the amount of resources that can be submitted and proposed.

**QUESTION 004**

The bid for the above noted project, are you requiring the contractor to be able to conduct investigations in both English and French or just one. If I only can provide in English does that disqualify my submission?

**ANSWER 004**

The services must be delivered in either English or French (official languages of Canada) as requested by the Project Authority and by the individual being interviewed. Please refer to the Statement of Work Section 1 and Attachment 2 to Part 3 – Offeror Geographic Locations and Language Capabilities Table.

**QUESTION 005**

Please refer to answer 002 in amendment #2 stating the following *“It is not mandatory for vendor to respond to this procurement with all previously appointed investigators from the original NMSO as it is not a refresh.”* Are the Offerors who have successfully qualified investigators under the original National Master Standing Offer (NMSO) required to submit a response to this RFSO E60ZG-220399/A in order to continue to provide the required services?

**ANSWER 005 and clarification of answer 002**

Yes. To clarify, RFSO E60ZG-220399/A is to put in place a **NEW** NMSO that will replace and not refresh the NMSO E60ZG-180493. For the current RFSO (E60ZG-220399/A) Offerors must submit a response. The NMSO E60ZG-180493 will no longer exist once the new one is in place.

**QUESTION 006**

We note that the Pricing Schedule requires Bidders to submit an all inclusive daily rate that includes the total estimated cost or all travel and living expenses. Can Bidders submit the same resource with different all-inclusive daily rates for various Canadian Cities?

**ANSWER 006**

No. The all-inclusive per diem rates are exempt of Travel & Living Expenses for the cities listed by the offeror/ investigator in the last column of Attachment 2 to Part 3 of the solicitation document. All Travel and living expenses are the responsibility of the offeror/ investigator unless authorized and approved by the Project Authority.

**QUESTION 007**

Based on the quantity of information required to fully meet the requirements of the MNSO, we respectfully request a 2 week extension to the submission.

**ANSWER 007**

The closing date has been changed, please see page 1 of the RFSO amendment.

**QUESTION 008**

"I have a question related to Attachment 2 to Part 3 (found on page 13) of the solicitation document.

In the far-right column, we are asked to list all Canadian Cities where the proposed resource would be prepared to work....

Would Canada accept a response such as: All of the Cities in the Province of Alberta and all of the Cities in the Province of Ontario and so on? Or does Canada want us to list a hundred or more individual cities.

Note: the reason for the question is that I have been awarded contracts where the city was in Rural Saskatchewan and another in the Eastern Townships of Québec. Those city names had not been identified in my submission but I was still awarded the contract. It seems to me that it would be easier for contract administrators to determine if the offeror is willing to work within the Province."

**ANSWER 008**

Yes you can include all Cities in any Province as long as the offeror/ investigator do no charge for Travel and Living expenses for work being done in those cities. All Travel and living expenses are the responsibility of the offeror/ investigator unless authorized and approved by the Project Authority.

**QUESTION 009**

Regarding Stream 1 WHV, RTA2 Relevant Training, will procurement please consider adding Adjudication and Ombudsman to the Arbitration training row?

**ANSWER 009**

No. We are looking for investigators to conduct harassment and violence investigations under the *Work Place Harassment and Violence Prevention Regulations*, not adjudicators or ombudsperson.

**QUESTION 010**

Regarding Stream 1 WHV, **RTA4 Professional License/Designation**, row "Law" kindly confirm that procurement will accept any combination of the following: Barrister a/or Solicitor Designation, a License to Practice Law as a Corporation, Solicitor of the Court of Appeal, Professional Certified Investigator, ESDC Labour Programs HVP Roster of Investigators Appointment a/o a Private Investigator License?

**ANSWER 010**

We are looking for a Professional Designation/Accreditation or Licence obtained with respect to Law. There is a separate row for "Investigators" however we are still seeking professional designation or accreditation for an investigator, under this element.

**QUESTION 011**

Regarding Stream 1 WHV, **RTA4 Professional License/Designation**, row "Mediation / Conciliation" will procurement accept Appointed Arbitrator, Designation in ADR a/o Designation in Conflict Resolution/Negotiation as well?

**ANSWER 011**

We will accept any designation/accreditation or licence with respect to ADR or Conflict resolution/negotiation, however simply being appointed as an arbitrator would not meet this criteria.

**QUESTION 012**

Regarding Stream 1 WHV, **RTA4 Professional License/Designation**, we have several Investigators who are Designed Inspectors (under MGS) a/o retired RCMP or Provincial Senior Police Investigators. Will procurement kindly consider adding a row to illustrate License a/o Designation in Policing or Anti-Corruption?

**ANSWER 012**

No. As the type of investigators we are seeking for the NMSO are investigators who can make preventative measure recommendations in relation with Harassment and workplace violence and are not investigating to find fault or lay blame.

**QUESTION 013**

Regarding Stream 1 WHV, **RTA2 Relevant Training**, kindly clarify what training would meet Industrial Psychology and Self-Management. A definition for these two criteria would be very helpful for vendors.

**ANSWER 013**

Industrial Psychology as a discipline is the science of human behaviour relating to work and applies psychological theories and principles to organizations and individuals in their places of work. Self-Management refers to the abilities of an individual to curb or control their emotions and to perform activities which are under their control.

**QUESTION 014**

Regarding Stream 1 WHV, **RTA2 Relevant Training** and **RTA3 Formal Education** please confirm whether or not Proof of Training/Facilitation a/o Education is required to be submitted with the offer.

**ANSWER 014**

The offer **should demonstrate**, for each proposed resource which courses/training/workshops and education **were facilitated or completed**.

#### QUESTION 015

Regarding Stream 1 **WHV, MTA1. Mandatory Experience**, Evaluation Indicator 2 and 3 and "*The application of [F-P-T or CHRA] will be assessed by how the information is used in situations to solve problems; transferring abstract or theoretical ideas to practical solutions; identifying connections and relationships and how they apply.*" This is subjective criteria rather than objective criteria, which is risky when it comes to evaluation, meaning that without clear instruction on how to evaluate the criteria, persons conducting the evaluation may apply their own burden of proof. Is procurement looking for narrative answers for all 5 projects illustrated in the mandatory? Does this criteria also apply to the Rated projects? How does one illustrate 'transferring abstract or theoretical ideas to practical solutions' w/r to CHRA and F-P-T when documenting investigative projects? Given that each project documented should already clearly illustrate the Policies, Procedures, Acts and Legislation used when conducting the investigation, we respectfully ask that this criteria be removed.

#### ANSWER 015

See modification 001 in PART B – MODIFICATIONS TO RFSO below.

#### QUESTION 016

Regarding Stream 1 **WHV, MTA2. Mandatory Training**, Evaluation Indicator CHRA and CLC and the requirement to be "... providing information and by being able to define, recall, describe, label, identify, match, name and state what they know" kindly clarify how resources should respond to this criteria? As with the above question, this is subjective criteria rather than objective criteria, which introduces procurement evaluation risks. Is procurement looking for narrative answers for all 5 projects illustrated in the mandatory? Does this criteria also apply to the Rated projects? Does procurement want to see a detailed analysis against each line item in the CHRA and CLC (match, name and state)? How shall a resource respond to the 'recall' aspect of the question? Given that proof of training (facilitated or completed) must be provided, and that this proof will clearly illustrate compliance with the requirement itself, we respectfully ask that this criteria be removed.

#### ANSWER 016

See modification 002 in PART B – MODIFICATIONS TO RFSO below.

#### QUESTION 017

Given the size, scope and complexity of this procurement, that significant involvement is required from vendor's Investigative resources (who are, for the most part, very busy on active engagements under the existing NMSO) and that answers to questions are firmly required prior to formulating the majority of the proposal submissions, would procurement kindly extend the due date by 10 business days?

#### ANSWER 017

Please refer to answer 007 above.

#### QUESTION 018

Stream 1 – Work Place Harassment and Violence Incidents – Mandatory Criterion #3 states “**Experience applying the *Canadian Human Rights Act***”. Given that the Human Rights Acts that are in place in most provincial and territorial jurisdictions are mirror legislation of the *Canadian Human Rights Act*, will evidence of applying a Human Rights Act in a territorial or provincial jurisdiction be accepted as equivalent?

#### ANSWER 018

No. We are looking for specific experience in the application of the CHRA under Federal Jurisdiction.

#### QUESTION 019

In RTGB4, there are a number of Professional Designation/Licence

For example, the first one is 'Private Investigator' - I have been police officer for 27 years and was a professional investigator in my role as a Peace Officer. I don't have an accreditation per se but I was trained as an investigator and I plied my trade (investigator) throughout my career. Can I add my experience as a police investigator in this category?

Under Management, I was an EX-01 in the Public Service. Does this experience count as a Professional Designation even though I don't have a certificate.

Under Human Resources, I was responsible for a staff of 144 individuals and I had my delegated Human Resources authority to initiate and process staffing actions. Does this count as Professional Designation as an HR person?

Under the 'Law' rubric, as I was a police officer responsible for investigating crime and laying charges under the Criminal Code and other Federal Legislation, does that qualify as Professional Designation?

As an E X (Executive Management) in the Federal Government, I had a budget of 10 million dollars that I needed to manage. Does this count against the 'Accounting' requirement for Professional designation? Or would this be more a matter 'Finance'?

I am a Certified Business Continuity Management Professional. Does this count towards a Professional Certification and if so under which category?

#### ANSWER 019

For all of these elements under criteria RTB4, we are looking for a **professional designation, accreditation or licence**. Experience is evaluated on other elements and is directly related to work place harassment and violence investigations.

#### **QUESTION 020**

Regarding MTA1 and RTA1, the requirement states that each proposed resource must have completed projects "... relating to harassment and violence in the workplace". The previous NMSO for Investigative Services contained three streams: Harassment, Wrongdoing, and Violence. Under contracting rules, and for Quarterly Usage Reports, there could only be one (1) stream used per investigation, and clients and vendors had to choose between Stream 1: Harassment or Stream 3: Violence based on the nature of the allegations. Given this, would the client kindly consider amending the criteria to include projects in violence or harassment and change the criteria to "... relating to harassment **OR** violence in the workplace"

#### **ANSWER 020**

The legislation has changed to include work place harassment and violence in one definition under the Work Place Harassment and Violence Prevention Regulations where in the past violence and harassment were split between Part XX of the COHS Regulations and the TBS Harassment Policy. If the offeror submits a project related to harassment and/or violence in the workplace, that would be an acceptable project for consideration.

#### **QUESTION 021**

Regarding MTA2 Mandatory Training, Evaluation Indicator, Training in Administrative Investigative Techniques, and Training related to Harassment and Violence in the Workplace. The criteria state that "The credential has to be from one or more of the following...4. Other relevant associations (human resources, occupational health, and safety, psychology, workplace investigators)" - We understand that due diligence must be applied throughout the appointment process, however, there are several Senior Investigators on our Roster who are currently conducting investigations under the existing NMSO that were unable to locate copies of their training and achieved appointment via the submission of a Self-Attestation Letter (reference Amendment 5 of the previous NMSO procurement, Answer 29). Will the client allow the use of the Self-Attestation Letter's again for this procurement, only in the event that copies of the Training cannot be located?

#### **ANSWER 021**

Vendors need to reapply and provide all relevant documentation to support the offer including a self-attestation in the event training records cannot be located.

#### **QUESTION 022**

Regarding MTA2 Mandatory Training, and "The Canadian Labour Code or other relevant Canadian employment or labour law" will Canada please clarify what relevant employment and labour law substantiation will be accepted? Otherwise, vendor resources may be deemed non-compliant due to a misalignment in understanding.

#### **ANSWER 022**

We would accept demonstration of training in provincial/territorial labour law equivalent to the Canada Labour Code. Please note that the criteria being assessed is Relevant Canadian Labour Law and Employment Law, **including the Canada Labour Code Part II.**



**QUESTION 023**

The current NMSO that Solicitation E60ZG-220399 is replacing end on 31 JUL 2023.

At Annex B – Basis for Payment – Section 1.0, Year 1 is described as Date of issuance to 2022.

Question: Given that the current NMSO in place finishes on 31 JUL 2023, shouldn't the Year 1 date of the Solicitation E60ZG-220399 say: Date of issuance to 2024? Assuming year one starts on August 1st, 2023, the first year would end on 31 JUL 2024. If my assumption is correct, each subsequent year would also need to be adjusted as required.

Alternatively, was it Canada's intention to conclude the current NMSO as soon as the Solicitation E60ZG-220399 has been processed and new contractors/investigators have been identified?

**ANSWER 023**

The dates included in the Basis of Payment table are approximate and will be revised upon issuance of the individual SOs. As mentioned in question and answer 005 above, the NMSO E60ZG-180493 will be replaced by NMSO E60ZG-220399 once the process is completed and individual SOs are awarded.

**QUESTION 024**

Kindly clarify the following:

***"It is anticipated that multiple standing offers will be established for these services. The Offeror may bid for only 1 or 2 Stream(s)"***

Can the offeror or only bid on Stream 1 or Stream 2? Or can they bid on both streams?

**ANSWER 024**

Please refer to Attachment 1 to Part 4 – Technical Evaluation Criteria for Investigative Services, under "General Instructions".

**QUESTION 025**

Should we put the financial statuses and geographic regions individually for each resource or can I put them in a general RFSO format with the names in a table, but all together?

**ANSWER 025**

As stated in Part 3 – Offer preparation instructions, Section I and Section II, the Offerors should complete the tables in Attachment 1 to Part 3 – Pricing Schedule and Attachment 2 to Part 3, Offeror Geographic Locations and Language Capabilities. All proposed resources should be listed in these tables.

#### QUESTION 026

Regarding MTA1. Mandatory Experience, item 5, **Experience writing investigation reports**. The possibility of obtaining past reports is unlikely for internal Investigators; virtually impossible in high-security organizations like Public Safety Canada and the RCMP. For those Investigators who obtained their experience as internal employees of organizations, it is inequitable to demand the same requirements for those having worked internally versus externally in the last ten years. As communicated by one Senior Investigator "Being judged by where an Investigator gained experience is not in line with procedural fairness or natural justice and requesting redacted reports, which are the IP of the previous employer, ensures that internal Investigators are not being considered equal to external Investigators or given the same opportunities to qualify on this Refresh." We understand that it is not PSPC's intention to disqualify Investigators that have obtained their project experience as permanent employees. Where it is impossible to provide Redacted Reports, would Canada allow for a client reference letter instead?

#### ANSWER 026

Yes. This would be acceptable as documented support as long it supports the experience criteria.

#### QUESTION 027

Regarding MTA2. Mandatory Training, item 1, **Training in administrative investigation techniques** and item 4, **Training related to harassment and violence in the workplace** and the criteria "... received or given training... The credential has to be from one of the following". We would like confirmation from Canada that training given (as an Instructor, Facilitator, Professor, Lecturer, etc.) does not have to be provided, in an educational context, for one of the 4 industries listed (post-secondary, law firm, etc.) given that this would severely limit the pool of otherwise qualified Investigators. Please kindly confirm that the training given can be for any organization, as long as the subject matter was relevant to the requirement and that the required substantiation has been provided.

#### ANSWER 027

No. If the training is given, then it can be for any organization. If the training is received, then the credential must be from one of the 4 noted bodies for training in administrative investigative techniques.

#### QUESTION 028

Regarding MTA2. Mandatory Training, item 1, **Training in administrative investigation techniques** and item 4, **Training related to harassment and violence in the workplace** and the criteria "... submitting a proof of participation (certificate/outline)". In the case of training given, would Canada accept a confirmation letter from the organization in lieu of an outline (keeping in mind that all material produced while on assignment is the IP of the client and not the Investigator). In the case of training taken, this applies to training that was completed a very long time ago, wherein records retention laws may have elapsed, would Canada accept an invoice as evidence as long as the invoice clearly states the training topic, the organization, and the date?

#### ANSWER 028

A letter from the organization would be acceptable if the letter demonstrates the course content provided, when the course was delivered, and that the offeror was indeed the facilitator of the course. In the case of training taken, the offer must demonstrate that they have completed at a minimum an investigative training course by submitting proof of participation (certificate/outline of the course material). An invoice would not demonstrate proof of participation and completion.

**QUESTION 029**

In the stream H and V, the evaluation team request two written reports in regards of past investigations. There are several issues with this request.

1. The report once submitted does not belong to the investigating agency but to the federal dept. that requested it. We are talking about ownership.
2. The new resources coming also have to supply reports which were not linked into the old RFSO, so the report again belongs to the client(s) and not to them.

Because we have to ask permission to the OWNER, the client, to release one of their reports (even vetted) the end date of the RFSO may be a problem, as this will become a legal issue and there will be several back and forth with their legal teams as to legalize the release of any reports, to others than themselves. If TBS has thought of that, great, otherwise, what do we do?

**ANSWER 029**

The vendor is the author of the investigative reports and therefore should be able to submit the required documentation. The other option is for the client to provide a reference letter for a particular investigation as documented support as long as it supports the experience criteria being evaluated.

**QUESTION 030**

This being a new RFSO does it automatically cancelled the old RFSO? My point for this question is this. Resources that qualified under the old RFSO are still qualified to investigate all complaints prior to January 1, 2021. However, some of these resources may not want to qualify under the new RFSO. Can they still received a contract for any complaints, pre-2021, after the new RFSO is issued?

**ANSWER 030**

The new RFSO will replace the old RFSO with three streams of investigative services as harassment and violence are now one stream with one definition. Any complaint under Part XX of the COHS Regulations or the now rescinded TBS Harassment policy that needs to be investigated as they were filed prior to January 1, 2021, would have to be resolved or negotiated with the contracting authority.

**QUESTION 031**

How can we use the Human Rights Act to "solve problems" during the investigations when we have not been doing Human Rights Act complaints? Some may have sexual harassment or discrimination, but harassment and violence are not all CHRA cases. And how many CHRA considerations do we have to put into our examples? Is one enough to qualify?

**ANSWER 031**

There are two criteria with respect to the CHRA. MTA1 and MTA2. The experience criteria is a recognition or application of the concepts of the 13 prohibited grounds noted in the CHRA in an investigative setting. As knowledge of the CHRA is a requirement of investigators under the work place harassment and violence regulations, both the knowledge and experience criteria must be assessed.

#### QUESTION 032

5 qualifying examples need to have harassment and violence in each example. As they were two different streams in the past, this might be difficult for some to achieve unless they were all sexual harassment. The RFSO does not qualify this as harassment and/or violence. I think we are making a big assumption if we can put one or the other and have them qualify, although that would make sense. Could you please, state exactly how many, harassment and how many violence examples are required, in the past it was either one or the other?

#### ANSWER 032

The legislation has changed to include work place harassment and violence in one definition under the Work Place Harassment and Violence Prevention Regulations where in the past violence and harassment were split between Part XX of the COHS Regulations and the TBS Harassment Policy. If the vendor submits a project related to harassment **and/or** violence in the workplace, under RTA1 "Relevant Experience", that would be an acceptable project for consideration.

#### QUESTION 033

Based on our review of this National Master Standing Offer (NMSO), Canada is seeking bidders to provide investigation services. Canada already has a supply arrangement process in place under the Professional Audit Support Services (PASS) and Supply Arrangement terms and conditions. Specifically, Stream 4: Forensic Audits covers the following investigation activities:

- "Fraud and allegation investigations
  - Attestation of testimony in the courts
  - Administrative inquiries"
- (emphasis added)

As an approved service provided under PASS Workstream 4, we have conducted numerous investigations with respect to Work Place Harassment and the Disclosures of Wrongdoing.

We respectfully request why Canada is not seeking the investigation services pursuant to PASS Workstream 4 and proceeding with this NMSO?

#### ANSWER 033

This NSMO is a new NSMO due to the changes to the *Canada Labour Code* and the *Work Place Harassment and Violence Prevention Regulations* (stream 1) that came into force and effect on January 1, 2021, dealing with investigations pertaining to work place harassment and violence prevention. Such investigations do not fall within "Forensic Audits" in Stream 4 of PASS

#### QUESTION 034

The MNSO is seeking investigation services. Please confirm designations such as Certified Fraud Examiner (CFE) and Certified in Financial Forensics (CFF) which provide extensive training on investigations and other topics, will qualify for RTA2/RTB2 and RTA4/RTB4.

#### ANSWER 034

For Stream 1 (Work Place Harassment and Violence Prevention) we are looking for designations/accreditations in fields related to work place investigations dealing with harassment and/or violence.

#### QUESTION 035

Based on our experience in conducting workplace investigations, there has been a requirement for us to conduct analysis of emails and mobile devices, which has provided important factual findings in relation to the allegations. The completion of a fulsome investigation is critical to all stakeholders (complainant, alleged wrongdoer, employer) and question why the MNSO is not seeking Bidders to demonstrate this experience?

#### ANSWER 035

This will be assessed in criteria MTA1.

#### QUESTION 036

I have a question concerning the wording at 4.1.1.1 Mandatory Technical Criteria (MT) at paragraph 1 of the Evaluation Indicator.

Given that in the previous NMSO WorkPlace Violence and Harassment were in separate streams and that investigations were either WorkPlace Violence or Harassment, I am having difficulty understanding the wording:

Experience related to **harassment and violence** investigation in the workplace.

Question: Am I to understand that you are asking for our past experience related to harassment **OR** Violence investigation in the workplace as these two streams were dealt with individually in the current NMSO? It is understood that will be dealt with together in this future NMSO.

#### ANSWER 036

The legislation has changed to include work place harassment and violence in one definition under the Work Place Harassment and Violence Prevention Regulations where in the past violence and harassment were split as noted, between Part XX of the COHS Regulations and the TBS Harassment Policy. If the vendor submits a project related to harassment **and/or** violence in the workplace, under RTA1 "Relevant Experience", that would be an acceptable project for consideration.

#### QUESTION 037

As it relates to article 4.1.1.1 Mandatory Technical Criteria (MT), it is mentioned that the "**Evaluation will be conducted based on the new Work Place Harassment and Violence Prevention Regulations**"

Question: Given that the law (Bill-C-65) has just recently come into effect, many investigators will not even have had the opportunity to investigate an occurrence based on the new law let alone 5 investigations. Did Canada mean that the evaluation will be conducted on the Previous Part XX investigations of WorkPlace Violence as well as the new Bill C-65 investigations?

**ANSWER 037**

The legislation has changed to include work place harassment and violence in one definition under the Work Place Harassment and Violence Prevention Regulations where in the past violence and harassment were split between Part XX of the COHS Regulations and the TBS Harassment Policy. If the vendor submits a project related to harassment **and/or** violence in the workplace, under mandatory technical criteria, that would be an acceptable project for consideration.

**QUESTION 038**

We have received the details of the tender and I have a question. You request two copies of reports that each investigator wrote. Do I understand that we will have to redact the reports ourselves? These are Protected B reports and I don't think we can share them without the redaction...

**ANSWER 038**

The information is submitted to Canada and we have an obligation to protect any information received in accordance with the Access to Information and Privacy Acts. If the offeror wishes to redact the identities of those involved, that would be acceptable and their responsibility to do so.

**QUESTION 039**

Based on our review of the RFP, specifically Section 4.1.2.1 the Mandatory Financial Criteria, it states that the firm's all-inclusive daily rate must not be higher than the median calculated from all proposed resources of all responsive offers.

A. Recognizing that the NMSO is seeking Bidders to identify which Canadian cities the proposed resources are prepared to work, we seek confirmation that the daily rates will be assessed on a per geographical area as resources from one Canadian city will be more expensive than another city (i.e. Toronto versus Halifax). This approach will ensure that the resources are fairly evaluated.

B. In the event that the response to A is no, we respectfully request full particulars as to how PSPC will ensure that the evaluation will be conducted in a fair and transparent manner. This will include a Bidder's ability (i.e. sole practitioner) to skew the fairness of the procurement process by bidding a low daily rate.

C. In the event that a Bidder is not within the median calculated financial range, it will be declared non-responsive. This is quite concerning particularly when the technical requirements of this NMSO is seeking Bidders to demonstrate the depth and breadth of experience that investigators possess. There appears to be a disconnect between the possibility of being deemed non-responsive to the financial bid for a resource who possess an extensive amount of experience in conducting workplace investigations, which is understandably at a higher price. The Government of Canada competitive procurement process "aims to get the best value for Canadians while enhancing access, competition and fairness." We respectfully request that PSPC consider revising the evaluation criteria to reflect a % allocation for both the technical and financial components (i.e. 70/30), as common in numerous other RFPs.

**ANSWER 039**

A. No. Please refer to question and answer 006 above.

B. Please refer to Part 4 – Evaluation procedures and Basis of Selection on how Canada will conduct the evaluation of the median rate.

**C.** Canada will not revise the evaluation criteria to reflect an allocation percentage of 70/30 for both the technical and financial components as 60/40 split is used in order to obtain the higher requirement for competency over financial considerations in the area of investigative services. The greater emphasis on the criteria is to ensure we get a reliable, thorough and quality investigation tool in place while achieving the best market value for Canada.

**QUESTION 040**

Can you please clarify if the following is an error (bolded) in Amendment #004 Part B?  
Should it not reference **MTA2 as noted in Question #16 and answer #16?**

*MODIFICATION 002 After review, **Stream 1, MTA1 Mandatory experience criteria 3** is modified as follows: The Offer will demonstrate their experience by giving examples of situations where they applied the Canada Human Rights Act. They will be evaluated based on the relevance and significance of their experience and the impact of the results they achieved. ~~The application of the Canada Human Rights Act will be assessed by how the information is used in situations to solve problems; transferring abstract or theoretical ideas to practical...~~*

**ANSWER 040**

There was indeed a mistake. See **revised** modification 002 in PART B – MODIFICATIONS TO RFSO below.

**QUESTION 041**

Regarding Amendment 3, Answer 010, "There is a separate row for 'Investigators' - we do not see a separate row for Investigators represented in the RTA4 Professional License/Designation criteria for Stream 1. Please confirm that an Amendment will follow adding this new row to capture Licenced Workplace a/o Private Investigators, allowing vendors to obtain an additional 10 points with this highly relevant License.

**ANSWER 041**

See modification 003 in PART B – MODIFICATIONS TO RFSO below.

**QUESTION 042**

Regarding Amendment 3, Answer 019, kindly clarify that the response is specific to Stream 2: Wrongdoing and not to harassment or violence investigations as currently worded in the Amendment.

**ANSWER 042**

Yes. The response provided is specific to Stream 2.

**QUESTION 043**

Regarding MTA1. requirement 5, Experience writing investigative reports. We have begun to compile two (2) reports per resource. Some of these redacted reports span more than 100 pages. Will Canada accept the submission of Reports as a separate Attachment to Section I: Technical Bid? Otherwise, the Technical Bid file size will likely exceed the maximum allowable limits in ePost Connect.

**ANSWER 043**

Yes. We will accept the submission of reports as a separate attachment to Section I

**QUESTION 044**

Part 4, 4.1(b). Are you able to explain further what the composition of the evaluation team will look like?

**ANSWER 044**

No. Not at this time.

**QUESTION 045**

Part 4, Attachment 1, General. Could you please confirm our understanding that if one of the Offeror's resources is deemed not to meet all of the Mandatory and Point Rated criteria, the Offeror and its other resources can still be concluded to be responsive?

**ANSWER 045**

Correct.

**QUESTION 046**

Part 4, Attachment 1, 4.1.1.1., MTA1, indicates that, "The Offer must demonstrate that all Projects meet all 5 Evaluation Indicators below". Later, in the same section, it indicates, "Note: The Offer will be assessed as a whole across all of the questions, and proposed resources will need to meet the evaluation criteria and indicators generally and not necessarily on each specific question in the application." These two statements seem contradictory; as such, can you please confirm that the projects must collectively show that each of the 5 indicators has been met, not that each project must meet all of the 5 indicators?

**ANSWER 046**

The projects submitted must meet all 5 evaluation indicators. The assessment of the offer and the resources will be evaluated in a more global manner.

**QUESTION 047**

Part 4, Attachment 1, 4.1.1.1, MTA1., in regard to the 5 indicators and particularly writing investigation reports, we have several concerns due to the extremely confidential nature of the investigations we conduct. As a core term of every contract, we are bound by a duty of confidentiality, which includes in most cases, the obligation not to reveal directly or indirectly any information relating to our client and the persons involved. Therefore, please clarify what Canada's expectations are in regard to the redacted reports? Our related concern is that if we remove all of the material that is required to ensure that we respect our duty of confidentiality to our clients, Canada will be less able to appreciate the quality of our work, including the complexity of the case and nature of the matters under investigation. Relating to the



requirement to submit two redacted reports for each resource, we assume that Canada is not requesting that we submit the associated Appendices. These can sometimes run into several hundreds of pages and the task of redacting them would be extremely onerous.

**ANSWER 047**

We only required two redacted reports which meet the requirement in "Experience writing investigative reports" which would not reveal the identity of the person(s) involved.

**QUESTION 048**

Part 4, Attachment 1, 4.1.1.1, MTA1., in regard to the 5 indicators, what specific criteria will be used to assess the "complexity" of an investigation? As written, it appears to be subjective criteria rather than an objective criteria. Furthermore, if the submitted reports are heavily redacted to protect the confidential information it contains, it might be complicated to grasp the "complexity" of the investigation.

**ANSWER 048**

As stated under the criteria "Experience writing investigative reports", Offerors must submit two redacted for each proposed resource, at least one of which is complex. It states " The complexity of the reports will be assessed based on the number of parts or factors, the type and number of their interrelationships and interconnections, the number of unknowns and degree of uncertainty."

**QUESTION 049**

Regarding MTA2 Mandatory Training, we have an Investigator on our Roster that led training for a well respected workplace training firm. We have the course outline on file and the outline addresses all four (4) of the Mandatory criteria in MTA2. Kindly please confirm all four (4) of the criteria can be substantiated with one (1) course/training/workshop as long as the content covers all the requirements.

**ANSWER 049**

Yes. That would be acceptable as long as the course content covers all four areas.

**QUESTION 050**

Several of our Investigators, who are appointed to the current NMSO, have taken training that spans more than one of the mandatory training areas defined in MTA2 and MTB2 Mandatory Training. By way of example, the Workplace Investigations Training and Certificate Program provided by the Human Resources Professional Association covers training in administrative investigation techniques, the OHSA, the CHRA and Harassment and Violence. Given that resources cannot use this same training to gain points in the Rated (which is proving difficult to obtain points without being able to reuse training across the mandatory and rated), it would be most helpful to obtain confirmation that resources may use the same training, course or workshop to illustrate compliance across multiple criteria in MTA2 a/o MTB2 as long as the documentary evidence supplied clearly illustrates the topic area.

**ANSWER 050**

Yes. That would be acceptable as long as the evidence clearly illustrates the topic area.

#### QUESTION 051

Part 4, Attachment 1, 4.1.1.1, MTA2, Could you please clarify what is meant by “providing information and by being able to define, recall, describe, label, identify, match, name and state what they know”? This is a similar question to Question 016; however, it does not appear that Canada’s modification 002 has addressed the concern with regard to MTA 2.

#### ANSWER 051

See **revised** modification 002 in PART B – MODIFICATIONS TO RFSO below.

#### QUESTION 052

Part 4, Attachment 1, 4.1.1.1, MTA1., in regard to the 5 indicators, could you please clarify, or give an example, of the kind of information you are seeking related to “the impact of the results they achieved”? In many cases, other than to be able to say that the investigation reports were accepted by the project authorities, we normally are not privy to the “results” that our investigation, and our work, achieves. This is the case because our role in the process normally stops after we deliver our Report and we debrief, if required, the client on the investigation that occurred.

#### ANSWER 052

See modification 004 in PART B – MODIFICATIONS TO RFSO below.

#### QUESTION 053

Regarding Amendment 3, Answer 022, will Canada be issuing an Amendment to the Criteria for MT2 deleting the word "or" and including the word "and" so that it is clear to vendors that Canada Labour Code is mandatory? As the criteria are written, vendors would comply with either/or for Canada Labour Code specifically. As well, it is recommended that Canada amend the criteria to capture the new instruction that provincial/territorial law equivalent will be accepted, otherwise, individuals conducting evaluations on the procurement team may not apply the same standard of proof during evaluation. Essentially, all changes to criteria should be captured in amendments to the grids, which will form the basis for vendors to use when responding to the mandatory and rated across each stream.

#### ANSWER 053

See modification 005 in PART B – MODIFICATIONS TO RFSO below.

#### QUESTION 054

*Is there an error in the description in MTA1 Mandatory Experience? It reads as follows:*

*The Offer must demonstrate that, within the last ten (10) years, each proposed resource has completed a minimum of five (5) Projects of investigative Services as lead, sole investigator or as co-investigator relating to harassment and violence in the workplace, in either the private or public sector.*

*The offer must demonstrate that all **Projects** meet all 5 Evaluation Indicators below..*

1. Experience related to harassment and violence investigations in the workplace;
2. Experience applying Federal, provincial or territorial labour acts or regulations or harassment and violence policies
3. Experience applying the Canadian Human Rights Act;

4. Experience conducting workplace investigations including complex investigations
5. Experience writing investigation reports (submit two reports, for each resource, at least one complex)

It is highly unlikely that even one project will meet all five of these criteria, and that there will be as an example 2 reports, one complex for each of the five projects being reported.

Is it possible that you meant to say: "*The offer must demonstrate that all resources meet all 5 Evaluation Indicators below*"..

**ANSWER 054**

The projects submitted must meet all 5 evaluation indicators. The assessment of the offer and the resources will be evaluated in a more global manner so that each project will not have to demonstrate all 5 indicators. Through the 5 projects submitted all 5 evaluation indicators must be demonstrated.

**QUESTION 055**

The following comment contradicts the description provided for MTA1. Note: The Offer will be assessed as a whole across all of the questions, and proposed resources will need to meet the evaluation criteria and indicators generally and not necessarily on each specific question in the application.

Which one is correct?

**ANSWER 055**

The projects submitted must meet all 5 evaluation indicators. The assessment of the offer and the resources will be evaluated in a more global manner so that each project will not have to demonstrate all 5 indicators. Through the 5 projects submitted all 5 evaluation indicators must be demonstrated.

**QUESTION 056**

In regards to RTA2, on page 22, would the client please consider adding legal training the acceptable list of courses/training/workshops?

**ANSWER 056**

Yes. See modification 006 in PART B – MODIFICATIONS TO RFSO below.

**QUESTION 057**

In regards to RTA4 on page 23, would the client please add Finance to the list of acceptable Designations/Licenses obtained?

**ANSWER 057**

Yes. See modification 007 in PART B – MODIFICATIONS TO RFSO below.

**QUESTION 058**

For MTA1, the current criteria suggests that all 5 projects must be completed and/or resolved. Do all projects presented under MTA1 have to have resolutions or would the client accept projects where the investigations are currently on-going?

**ANSWER 058**

No. The 5 projects submitted for consideration must be completed as noted in the evaluation criteria.

**QUESTION 059**

As you know, the revised deadline for bid submissions is October 27th at 2:00 p.m. Paragraph 2.4 (page 8 of the English version of the RFSO) states that enquiries must be submitted no later than 7 calendar days before the closing date. Please confirm if the deadline for questions is October 21st at 2:00 p.m.

**ANSWER 059**

No. It's October 20<sup>th</sup>. As stated in 2.4, enquiries received after that time may not be answered.

**QUESTION 060**

What is epost Connect & why do bidders have to use it?

**ANSWER 060**

E-post connect is a browser-based secure communication platform that lets you securely share confidential files online such as offers or bids to the Government of Canada. For more information, please consult E-post Connect website: <https://www.canadapost-postescanada.ca/cpc/en/business/postal-services/digital-mail.page?> . Bidders must use E-post connect as we currently do not accept hard copies of bids/ offers nor submission of bids/ offers by email.

**QUESTION 061**

Paragraph 2.2, Submission of Offers (page 6 of the English version of the RFSO) includes a link (see below). When I clicked on the link, I received the following message which I've highlighted in bold:

**You are about to log in to the site "tpsgc-pwgsc.gc.ca" with the username "tpsgc%2Edgareceptiondessoumissions-abbidreceiving%2Epwgsc", but the website does not require authentication. This may be an attempt to trick you. Is "tpsgc-pwgsc.gc.ca" the site you want to visit?**

**Please confirm that this is a valid link and that it is safe for bidders to click on this link.**

Here is the text related to paragraph 2.2 Submission of Offers:

Offers must be submitted only to the Public Works and Government Services Canada (PWGSC) Bid

Receiving Unit via e-post Connect by the date and time indicated on page one of the bid solicitation.

Note: For offerors needing to register with epost Connect the email address is:  
tpsgc.dgareceptiondessoumissions-abbidreceiving.pwgsc@tpsgc-pwgsc.gc.ca

#### ANSWER 061

This is not a website link. It's an email address. If you click on it, it should open your mailbox. If not, you can copy and paste the email address into the recipient bar of a new email message.

### PART B – MODIFICATIONS TO RFSO

#### MODIFICATION 001

After review, Stream 1, MTA1 Mandatory experience criteria 2 is modified as follows:

The Offer will demonstrate their experience by giving examples of situations where they applied federal, provincial or territorial labour acts or regulations. They will be evaluated based on the relevance and significance of their experience and the impact of the results they achieved.

~~The application of F-P-T labour acts will be assessed by how the information is used in situations to solve problems; transferring abstract or theoretical ideas to practical situations; identifying connections and relationships and how they apply.~~

#### MODIFICATION 002 - REVISED

After review, Stream 1, **MTA2** Mandatory training criteria 2 and 3 are modified as follows:

Criteria 2:

Offer must demonstrate that they have facilitated or completed at a minimum courses/training or workshops as evidence of knowledge of the *Canada Human Rights Act*.

~~by providing information and by being able to define, recall, describe, label, identify, match, name and state what they know.~~

Criteria 3:

Offer must demonstrate that they have facilitated or completed at a minimum courses/training or workshops as evidence of knowledge of the *Canada Labour Code Part II*.

~~by providing information and by being able to define, recall, describe, label, identify, match, name and state what they know.~~

#### MODIFICATION 003

RTA4. Professional Licence/Designation is being modified **to add** Investigator to the list of acceptable designations/licences.

#### MODIFICATION 004

After review for 4.1.1.1. MTA1, Mandatory Technical Criteria, Stream 1, the evaluation criteria for the 5 indicators are being amended by removing the words "...and the impact of the results they achieved" for Experience criteria 1, 2, 3 and 4.

Solicitation No. - N° de l'invitation  
E60ZG-220399/A  
Client Ref. No. - N° de réf. du client  
E60ZG-220399

Amd. No. - N° de la modif.  
006  
File No. - N° du dossier  
411zg. E60ZG-220399

Buyer ID - Id de l'acheteur  
411zg  
CCC No./N° CCC - FMS No./N° VME

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**MODIFICATION 005**

MTA2 – 3<sup>rd</sup> box - Evaluation Indicator about the *Canada Labour Code* is being **deleted** and **replaced** with the following:

Offer must demonstrate that they have facilitated or completed at a minimum courses/training or workshops as evidence of knowledge of the *Canada Labour Code* including *Part II* and/or other relevant Canadian employment or labour law.

**MODIFICATION 006**

RTA2 – Relevant training is being modified **to add** Legal in the acceptable list of courses/training/workshops.

**MODIFICATION 007**

RTA4 – Professional Licence/Designation is being modified **to add** Finance to the list of acceptable designations/licences.