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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
Terrasses de la Chaudière 5th Floor
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Title - Sujet Investigative services Services d'enquêtes	
Solicitation No. - N° de l'invitation E60ZG-220399/A	Date 2021-10-08
Client Reference No. - N° de référence du client 20220399	Amendment No. - N° modif. 011
File No. - N° de dossier 411zg.E60ZG-220399	CCC No./N° CCC - FMS No./N° VME
GETS Reference No. - N° de référence de SEAG PW-\$\$ZG-411-39874	
Date of Original Request for Standing Offer Date de la demande de l'offre à commandes originale 2021-09-01	
Solicitation Closes - L'invitation prend fin at - à 02:00 PM Eastern Standard Time EST on - le 2021-11-10 Heure Normale du l'Est HNE	
Address Enquiries to: - Adresser toutes questions à: Baker(411zg), Roxane	Buyer Id - Id de l'acheteur 411zg
Telephone No. - N° de téléphone (613) 858-8291 ()	FAX No. - N° de FAX () -
Delivery Required - Livraison exigée	
Destination - of Goods, Services, and Construction: Destination - des biens, services et construction:	
Security - Sécurité 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

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

Amendment #011

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 – **MODIFIED**

For all of these elements under criteria RTB4, we are looking for a **professional designation, accreditation or license**. Experience is evaluated on other elements outlined in the technical evaluation criteria.

A Certified Business Continuity Management Professional can be identified under the "Management" category.

Proof of professional designation, accreditation or licence must be provided with the Offer.

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 20th. 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.

QUESTION 062

Regarding Amendment 5, changes to RTA2. Relevant Training, and the reissuance of the grids, kindly confirm that the Maximum Points should now read 39 for RTA2.

ANSWER 062

Yes. The Maximum Points should read 39. See revised grid.

QUESTION 063

In "Overall maximum points for all four rated criteria" at the end of RTA4, please confirm the total is now 189 points (for all four rated criteria) and please advise if there are changes to the Minimum Points to be considered responsive, which is currently 111/186 (in the amended grids).

ANSWER 063

Yes. The Minimum Points required for the Offer to be considered responsive is now **113/189**. See revised grid.

QUESTION 064

Regarding Amendment 5, Part B - Modifications to the RFSO: Criteria, Canada Human Rights Act. The modifications indicate that the following criteria has been struck-out "by providing information and by being able to define, recall... etc." however, in the grids which were released at the end of Amendment 5, the criteria is still there. Please confirm this was an oversight and that the criteria has been removed.

ANSWER 064

The criterion related to Canada Human Rights Act has been modified and not removed. The wording "by providing information and by being able to define, recall..." is no longer part of that criterion.

QUESTION 065

Kindly reissue the grids with the above notes changes applied so vendors may update their submissions with the corrections.

ANSWER 065

Done. See revised grid.

QUESTION 066

Request for five (5) business days extension to the due date as we are still waiting on the answers of several important questions submitted.

ANSWER 066

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

QUESTION 067

The complexity involved, we would like to request an extension of at least two weeks.

ANSWER 067

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

QUESTION 068

Regarding MTA1. Mandatory Experience, kindly confirm that a project will not be disqualified if the Project Authority telephone number or email cannot be provided. Given the project substantiation window can span up to 10 years, Project Authority contact information is not available for all projects; some PA's are no longer in their role, have moved organizations, are now retired and/or are deceased.

ANSWER 068

We require the name of the client and project authority name at a minimum to evaluate the project. "The offer should include current telephone number and/or e-mail address of the project authority, **if available**." However we would not disqualify a project if current telephone number and/or e-mail address are not provided.

QUESTION 069

Regarding MTA1, Mandatory Experience, Item 3, CRHA and the evaluation indicator "The application of the Canadian Human Rights Act will be assessed by how the information if used in situations to solve problems; transferring abstract or theoretical ideas to practical situations; identifying connections and relationships and how they apply" The following was submitted by an Investigator appointed to the current NMSO "Considering that each federal department must adhere to Section 122(1) of the Canada Labour Code that defines workplace harassment and violence and draft their own policy that enables this legislative tool, and considering that this definition demands the investigator to give due consideration to grounds for discrimination listed in the Canadian Human Rights Act, how could the investigator not provide sufficient experience in human rights consideration if they are able to showcase 11 projects where human rights would be built in to the mandate? Further, how would there be an objective criteria for assessment of human rights considerations as a competent person? Is there an objective criteria outlining how a human rights matter should be addressed? This criteria is flawed as it is asking for an objective assessment of a subjective role. What are the benefits of having an objective criteria for a project that was conducted in a subjective nature based on the investigators personal observations and assessments of the facts? It is virtually impossible to answer this criteria in a meaningful way in order for procurement to assign a 'grade' to projects. The investigation process is subjective in nature and Investigator selection is based on experience and expertise. That is why Investigators are selected for each file and not assigned to it." We respectfully ask that the subjective criteria be removed.

ANSWER 069

See modification 008 in PART B – MODIFICATIONS TO RFSO below.

QUESTION 070

Regarding MTA1, Mandatory Experience, Item 3, CRHA and the evaluation indicator "The application of the Canadian Human Rights Act will be assessed by how the information if used in situations to solve problems; transferring abstract or theoretical ideas to practical situations; identifying connections and relationships and how they apply" The following was submitted by an Investigator appointed to the current NMSO "If I am understanding this correctly, the criteria is asking if Investigators have completed an investigation that involved Human Rights Code violations. The Canadian Human Rights Act is applied federally and is also applied through each province's Human Rights Code, which for Ontario is the Ontario Human Rights Code (OHRC). Procurement is clearly accepting OHRC training in MTA2 as "Canadian Human Rights Act or provincial/territorial equivalent" therefore we have to question why this subjective criteria exists. The CHRA is mirrored through each province's Human Rights Code and harassment is a protected ground across the entire country when dealing with Human Rights. It's not like an employer can get away with harassing an employee differently in another province, human rights afforded to employees differ slightly in each jurisdiction but not significantly. For example, if I punch someone when we are in the office in Ontario I could not reasonably say 'If only I was in New Brunswick, I would have gotten away with it! Given that Investigators are providing proof of projects completed in MTA1, and that those projects illustrate that the investigation involved a complaint of harassment or violence, and those same projects contain legislation, labour acts and policies, then the protection afforded to employees under human rights legislation such as the OHRC has already been breached by virtue of the investigation being conducted. By way of example, human rights protections are typically included in an organization's internal policies like "respect at work". These are usually the most common types of complaints an investigator receives. Usually they are a) discrimination b) harassment or violence, or c) sexual harassment. So, if Investigators have completed projects that dealt with discrimination and harassment or violence in employment on the basis of an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability, then their projects would already meet the CHRA requirement. The book we all use as our "bible" – Human Resources Guide to Workplace Investigations by Janice Rubin and Christine Thomlinson - clearly outlines all of this and they are the authority on this legislation in Canada. The fact that subjective criteria is tied to CHRA is rather odd: it's the Human Rights Code that applies during an investigation, not the Act. " We respectfully ask that the subjective criteria be removed.

ANSWER 070

See modification 008 in PART B – MODIFICATIONS TO RFSO below.

QUESTION 071

RTA1 Relevant Experience (a), is Canada requesting the actual (redacted) copy of the report (projects) that the resource has completed... OR

Is Canada ONLY requesting the current telephone number and/or email address of each of the project authority, if available.

ANSWER 071

No. Canada is **NOT only** requesting the current telephone number and/or email address of each of the project authority, as this is not demonstrate experience and may not be available.

QUESTION 072

Is the expectation that the resource will be able to physically travel to the location of the investigation? Or will Zoom/google meet interviews be acceptable?

This may affect geographic location of where the resource services can be provided (with the ever changing pandemic restrictions within each province.)

ANSWER 072

Depending on the requirement, you might be requested to travel to the location of the investigation. It's on a case by case basis. Virtual meetings might be acceptable in most cases at the moment. As for travel please refer to question and answer 006 above.

QUESTION 073

In RTA2 (RT) Is a proposed resource permitted to count multiple courses in a subject area?

i.e sociology – three courses completed X 3 points each = 9 points

ANSWER 073

No. There is an allowable 3 points per course per subject area.

QUESTION 074

Under MTA1, criteria #5 is "Experience writing investigation reports." To meet this requirement, the offeror is asked to submit two redacted reports.

My question is: How should the reports be submitted? As part of the Technical Offer? If so, should they be combined in a single document with the rest of the Technical Offer, or should the offer and the two reports be submitted separately?

ANSWER 074

Yes. They the reports should be submitted as part of the Technical Offer. If however due to size of the file and technical sending limitations, they could be submitted separately if required.

QUESTION 075

MTA1. MANDATORY EXPERIENCE states that we are to show a minimum of 5 Projects and that we "must demonstrate that all Projects meet all 5 Evaluation Indicators below." We understand that the 5 Projects can be investigations conducted under either TBS Harassment Policy or Part XX of the COHS Regulations. However, in order to meet all 5 Evaluation Indicators for each investigation, are we to show application of both the CHRA and labour acts/regulations in each of the 5 Projects? Alternatively, would it be acceptable to show more projects so long as there are at least 5 Projects that show experience applying the CHRA and 5 Projects that show experience with labour acts/regulations?

ANSWER 075

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 076

MTA1. MANDATORY EXPERIENCE under the Evaluation Indicators for 1,2,3, and 4, we are required to show the "impact of the results achieved". For external investigators, once we deliver our investigation report with findings, conclusions and maybe recommendations (depending on the case), we often do not hear what the department/client did as a result of our report. As such, please clarify what type of information we can provide to show the "impact of the results achieved".

ANSWER 076

Please refer to Question and Answer 052 above.

QUESTION 077

RTA3. FORMAL EDUCATION If a resource has a Bachelor degree and a Law degree, can the resource qualify as equivalent to Master degree?

ANSWER 077

No. The offer must demonstrate the highest level of formal education received for each proposed resource (i.e., College, Bachelor of Arts or Science, Masters, PHD). There is no equivalency qualification.

QUESTION 078

It would also be helpful to know where the "Proof of Training" documents should be included. Can each one be included separately as part of the Technical Offer?

ANSWER 078

All required documentation should be submitted as part of the Technical Offer. If however due to size of the file and technical sending limitations, they could be submitted separately if required.

QUESTION 079

I understand that proof must be attached for the Mandatory Training requirements. Should proof also be included for the Relevant Training, Formal Education, and Professional License/Designation?

ANSWER 079

This is covered in the general instructions in the Technical Evaluation Criteria for Investigative Services and under each of the technical criteria there is a description of what proof is required of the offer.

QUESTION 080

Can you kindly confirm that the safeguarding measures requested in Part 6 are at the supplier level?

ANSWER 080

Please refer to RFSO sections 3.1.3.1 and 7.2.2.1.

QUESTION 081

I will be applying on behalf of my company on the above noted RFSO. It is unclear to me if I must submit the TBS/SCT 350-103 with the bid offer (still in process). Or immediately...to get the security clearance process going. Can you please advise.

ANSWER 081 - MODIFIED

Please refer to RFSO Part 6 – Security, Financial and Insurance requirements. Item 2 under 6.1.

Should you need to be sponsored, please send an email to the Contracting Authority and we will provide you with the PSOS form that you will then return by email to the Contracting Authority. The SRCL will be sent to the Contract Security Program along with your PSOS form by the Contracting Authority (sponsor) in order to initiate the process.

QUESTION 082

We are currently in the process of making a bid for RSA No. E60ZG-220399 (Stream 1 & 2) and I was hoping you could advise what the median all-inclusive daily rate was for the prior investigation RSA (RSA E60ZG-180493)?

ANSWER 082

The median for firm all-inclusive daily rates used for the prior investigation services RFSO (E60ZG-180493) in 2018 was \$1,897.00. However, it must be noted that this is not reflective of the true median of this new request for standing offer as this might not be representative of the current market conditions.

QUESTION 083

Can you kindly clarify if under MTA1. Mandatory Experience, is the Offeror is to submit for each resource 5 redacted reports that meet all 5 evaluation indicators AND an additional 2 redacted reports under evaluation indicator #5? If this is incorrect, please advise what Canada is actually looking for.

ANSWER 083

Please refer to RFSO MTA1. Mandatory experience under "In order for a project to be evaluated...." Only Item 5 under the Evaluation Indicator request to provide 2 redacted reports and that's for each resource.

Please note: There is a modification to answers **019** and **081** above.

QUESTION 084

In Stream B, can the client confirm the definition of what types of investigations will fall under wrongdoing?

ANSWER 084

An investigation must have been carried out in regards to a disclosure of wrongdoing made under the Public Servants Disclosure Protection Act, in order to be considered under Stream B. An investigation undertaken under another recourse mechanism, such as Stream A, is not considered an investigation into a disclosure of wrongdoing as defined under the Public Servants Disclosure Protection Act. Investigations carried out under provincial or territorial disclosure of wrongdoing (whistleblower) legislation will be considered under Stream B.

QUESTION 085

I am assisting with the application of two resources who belong to our firm. I note that under the Mandatory and Pointed Rated Technical Criteria, points are allocated for number of projects, different forms of training, etc. Does that mean an individual RFP should be submitted for each resource? I'm just not quite clear on how to calculate the relevant training for instance if there is a maximum number of points but both resources have completed the training.

ANSWER 085

No, only one proposal is required, however each proposed resource will be assessed individually.

QUESTION 086

With respect to Attachment 1 to Part 4 of the RFSO, do we need to include the tables/grids in our proposal or are those just indicators for what should be included in the technical offer? And if they are to be included, are we to make cross references to the proposal (as stated in MTA1) and score our own points (as part of the Point Rated Technical Criteria)?

ANSWER 086

Tables/ grids are provided to assist offerors only, they are not mandatory to use but suggested. As stated, offerors need to make cross references to the proposals but the scoring points of each proposed resource of the Point Rated Technical Criteria will be assessed by evaluation team accordingly.

QUESTION 087

Regarding the evidence we need to provide with respect to relevant training, formal education, and professional licenses/designation, do those need to be attached to our technical offer as appendices or should they be included directly in the offer?

ANSWER 087

There is no specific requirement on how those supported documents are being provided such as part of appendices, separate attachments as long as it is submitted with the offeror's proposal it will be accepted.

QUESTION 088

What if an offeror gives you more than the number of projects requested? Is he penalized? Do you look at all the projects? How is sorting done at that time?

ANSWER 088

No. The offer will not be penalized, however, it would leave the discretion of analysis of the criteria to the evaluation committee to align with the particular case. It would be more effective for the offeror to ensure that the criteria is addressed.

QUESTION 089

Attachment 1 to Part 3 Pricing Schedule. The RFSO currently has only one table for bidders to complete for both Streams which leaves no room for differentiation between streams. Will the Crown please amend the pricing table to allow for two tables so that bidders who are responding to both Streams of work will be required to include one table per Stream. Given the differences in qualifications between each stream, the rates per stream may vary; therefore keeping the streams separate for evaluation purposes will provide a more fair and transparent procurement process.

ANSWER 089

No there will be only one Table for both streams but you can indicate the stream by putting a "X" in the appropriate box. See revised Attachment 1 to Part 3 and revised Annex B – Basis of Payment.

QUESTION 090

Annex E - Attachment 2 to Part 3 Offeror Geographic Locations and Language Capabilities Table. Will the Crown please confirm that bidders are required to complete one table per proposed Stream when identifying the locations and language of its proposed resources? Doing so will more clearly differentiate between the Streams and the resources that are available per location and will be beneficial for the Crown when preparing for Call-ups.

ANSWER 090

No. There will be only one Table for both streams but you can indicate the stream by putting a "X" in the appropriate box. See revised Annex E and revised Attachment 2 to Part 3 Offeror Geographic Locations and Language Capabilities Table.

QUESTION 091

Addition of Corporate Mandatory Technical Criteria: At present, the RFSO does not consider the corporate experience of the bidder, but only asks for resource qualifications. While we understand that it will be the proposed candidates who will be performing the work, we feel that a firm and its corporate methods and qualifications are an important factor and should be considered. We feel that including a requirement for Bidders to demonstrate projects that have been conducted firm-wide would benefit the Crown. Bidders (firms) that have a resource base of qualified candidates will have proven processes and procedures in place that will provide assurance to the Crown that the work will be thorough and well managed due to corporate quality assurance measures.

ANSWER 091

Corporate technical criteria is not an element as the resource is accountable for the work and the quality assurance should be conducted by the project authority on the end product (the investigation report).

QUESTION 092

As noted in the RFSO and Q&As, we understand this solicitation is to replace a previous RFSO. Will the Crown please provide the names of those who were issued contracts under the existing RFSO agreement.

ANSWER 092

The information regarding the NMSO E60ZG-180493 is public and can be accessed through the Buy and Sell website. Once a RFSO process is over, offeror are issued standing offers and not contracts.

QUESTION 093

Part 7 - Standing Offer And Resulting Contract Clauses; section 7.9 Call-up procedures. Currently the RFSO has not provided details as to how the issuance of call-ups will be conducted. Typically within solicitations similar to this a sample call-up form would be provided, along with details as to which vendors can anticipate receiving call-ups. For example, will a certain number of vendors be randomly chosen for each call-up or will the Crown work through vendors on a rotational basis? Will there be a ranking system? Will call-ups be issued to vendors who have listed resource availability in specific regions/cities? Please provide further details to allow vendors to fully understand how the process will be executed.

ANSWER 093

There is no ranking system. Given the sensitivity, diversity and complexity of the nature of the services, this NMSO is a pick and choose method. Sections 7.9 and 7.10 of the RFSO are clear on how it works. The specific regions/cities have been addressed above. The Annex E indicates the Canadian cities where the proposed resource would be prepared to work, ***but not limited to***, without being reimbursed for Travel & Living expenses. The project authority will have all the information required to choose the right resource based on the investigation to be conducted.

QUESTION 094

Part 5 – Certifications and Additional Information; 5.2.3.1 Status and Availability of Resources: Given this is a Request for Standing Offer for a 5 year period, with unknown timing and frequency of call-ups, bidders can't reasonably forecast resource availability that far out into the future. As such, the certification requiring Bidders to certify resource availability for the period of the SO doesn't seem appropriate for this type of vehicle. Would the Crown consider removing this certification? Alternatively, the Crown could consider relaxing the reasons for unavailability to more reasonable reasons such as being engaged on an active project as opposed to the current definition of "beyond the control of the Offeror", given the Crown has made no commitment to the volume or timing of work.

ANSWER 094

No this certification will not be removed. This clause concerns standing offers but especially call-ups. If you provide a resource under your SO, then you certifies that they will be available for work. Being engaged on an active project would certainly make your resource unavailable for another one. That being said, you can either provide another resource named under your SO, request that an additional

resource be added to your SO or choose to pass on that project. There is no commitment to the volume or timing of work under this NMSO.

QUESTION 095

Given the number of Questions and Answers and amendments, and the very onerous task of prudently redacting two reports per resource, we respectfully request an extension until 10 December.

ANSWER 095

Unfortunately, Canada will no longer accept any extension requests. The closing date remains November 10, 2021 at 2:00 PM Standard Eastern Time.

QUESTION 096

In Stream A, would the client please confirm if the projects listed under RTA1 as additional projects will still need to demonstrate the five evaluation indicators as per the criteria in MTA1?

ANSWER 096

No. The additional projects requested for RTA1 are assessing relevant experience of each proposed resource as a lead, sole or co-investigator.

QUESTION 097

Redacted reports

I have a number of serious concerns about the criteria for this requirement. I am confused by the answers provided in amendment #008 dated September 28, 2021 regarding the submission of redacted reports.

Answers 026 and 029 seem to suggest that a client reference letter would be acceptable "as documented support as long it supports the experience criteria being evaluated". However, answers 038, 047 and 048 regarding redacted reports seem to contradict this statement.

Specifically, **Answer 038** seems to suggest that redacting the reports is optional whereas **Answer 47** refers to it as "required" and **Answer 48** clearly states that bidders "must submit two redacted reports". [Emphasis mine]. Therefore, my remaining comments are based on the assumption that, at this time, the submission of two redacted reports is not optional.

It is difficult, if not impossible, for external investigators to obtain past investigators reports. Most Statements of Work require investigators to return all records and documents to the Project Authority at the completion of the investigation. In fact, PWGSC's RFSO in 2012 included the following requirement in its own SOW -- "Submit the investigation file to the Project Authority".

This means bidders would need to contact past clients to request a copy of the investigation report(s). Given the current situation with the pandemic, it is unlikely that federal public servants would have access to physical or even electronic versions of the reports.

In Answer 47, PSPC states, "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". However, protecting confidentiality goes beyond protecting the names of the Complainants, Respondents and witnesses. It also means redacting job titles, job duties, occupational levels, names of sections/branches/divisions/departments, reporting relationships, nature of the work and any other

identifying information.

As others have pointed out, investigation reports are often very lengthy. Redacting reports would not only require an inordinate amount of time and effort on the part of bidders, it will also result in the reports being very difficult for the evaluators of bids to follow.

In summary, I respectfully request that the requirement to submit redacted reports be removed from the RFSO and that it be substituted with the requirement to provide reference letters from past clients about the quality of the report. PSPC could even consider asking all reference letters to address specific questions.

ANSWER 097

Investigators who write any investigative reports are ultimately the owner of those reports and have to retain them and the contents of their files in the event they are called to appear before the courts on judicial review if challenged on how they conducted their investigation (concepts of procedural fairness and natural justice). Canada is bound by the Privacy Act and the Access to Information Act, once information is submitted in support of the offer. Redaction should be sufficient to ensure protection of the identity of those involved. This requirement will remain.

QUESTION 098

I concur with Question 048 that the proposed criteria for assessing the “complexity” of an investigation appear to be subjective criteria rather than objective criteria. I also find the description of how the report’s complexity will be assessed difficult to understand. For example, is “number of parts or factors” meant to refer to “number of witnesses and number of allegations”? Is the phrase “type and number of interrelationships and interconnections” meant to refer to “Working relationship between Complainant and Respondent”? I don’t know what is intended by the phrases “number of unknowns” and “degree of uncertainty” or how either of these could be quantified in terms of an investigation. I respectfully suggest that these criteria be removed and substituted with plainer language.

ANSWER 098

For clarity, the evaluation of an investigative report, elements such as scope of investigation, evidence collected, analysis, linkages to appropriate legislation and regulations, finding and recommendations will be evaluated in an investigation with many different and connected parts.

QUESTION 099

As a national recruiter we have reached out to scores of experienced investigators who meet the qualifications for this Request for Standing Offers. Many of these investigator are independent, located in smaller cities and are quite busy. Most of these investigators are also excited about the opportunity the Government of Canada is offering, however, we are getting a “no thank you” when it comes to the investigators providing their clients’ names and contact information. The primary reasons are:

1. They have signed confidentiality agreements.
2. Their clients don’t want the industry to know they have retained a investigator
3. Some investigates work for only three or four firms and feel they could be a risk letting the industry know who their clients are, i.e. their client’s information goes through a private sector agency staff, over to government employees for evaluation and are afraid of a potential ATIP.
4. The issue is these investigators will supply this information and then not be on the list or be awarded a standing offer.

On other RFPs we have seen the Government of Canada award standing offer to firms however, they will not award a contract/call up until the supplier demonstrates he or she meets the reference requirements.

Would the Crown consider receiving a description of the work completed at the time of the submission with references being confirmed later should an individual receive a Standing Offer and prior to a contract being awarded?

ANSWER 099

For MTA1 the offer should include name and contact information for the project authority (the reference), **if available**. If not available, the offer must still demonstrate all of the 5 evaluation criteria at the time of submission.

QUESTION 100

In regards to the RFSO, we assume training related to Labour Relations/Human Resources would fall under MTA2 - Mandatory Training, and if it did not, we kindly request that this category be added to RTA2 - Relevant Training. Also, we noticed in response to an earlier question, Certification in Finance was added to RTA4 and was wondering what the rationale for this was?

ANSWER 100

MTA2 is evaluating the 4 subject areas noted. Training related to Labour Relations/Human Resources is too broad for inclusion in RTA2. The specific topics or courses of training required by RTA2 are listed based on the training needs for an investigator in harassment and violence prevention. RTA4 was expanded based on the rationale that formal accreditation in finance could be useful in some investigations.

QUESTION 101

Regarding MTA2 and the requirement for Canada Labour Code Part II training, will procurement accept Certifications or Training in Bill C-65 given that Bill C-65 is an Act to amend the Canada Labour Code Part II? Bill C-65 according to the Legislative Summary (ref: https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421C65E) modifies the existing framework under the Canada Labour Code, therefore training with the CLC forms the backbone for all Bill C-65 training. Please confirm that training with Bill C-65 will be accepted for MTA2.

ANSWER 101

There are two elements being assessed in MTA2. Training in relevant Canadian Labour Law, including the Canada Labour Code, and training related to harassment and violence in the workplace. As long as the offer can demonstrate mandatory training proof covering both criteria, it will be accepted.

QUESTION 102

Regarding MTA2 and RTA2 will procurement accept Continuing Professional Development (CPD) portal screenshots as managed by the Law Society as evidence of training completed? Each course that is available for completion in the CPD Portal must undergo an accreditation period before that course is approved by the Law Society. The accreditation period to be accepted by the Law Society is extensive (Ref: <https://lso.ca/lawyers/enhancing-competence/cpd-accreditation-for-licensees>), however, the Law Society does not provide Certifications given that they have already accredited the course. Please

confirm that CPD will be accepted.

ANSWER 102

The offer will need to demonstrate with associated documented proof sufficient information to address the elements to be assessed in MTA2 and RTA2.

QUESTION 103

We have several Investigator who appointed to the current NMSO and are currently conducting Investigations within the Federal government. Several are working on long investigations that are in progress and will not be completed by the due date of submission. To qualify, given that we cannot use projects that are in progress, we must draw on the projects submitted for their original NMSO application. Some were able to qualify on the original NMSO using Law Firm references in lieu of Project Authority references, given that private sector investigations are highly confidential and not subject to open government by way of ATIP. For those, may we use the same references as before as long as we clearly state that these references were accepted on the current NMSO?

ANSWER 103

Any references can be used on completed investigations as long as they can speak to the criteria or element being assessed.

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.

MODIFICATION 005

MTA2 – 3rd 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.

MODIFICATION 008

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.

~~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 situations; identifying connections and relationships and how they apply.~~

ATTACHMENT 1 to PART 3

PRICING SCHEDULE

The Offeror should complete this pricing schedule and include it in its financial offer. As a minimum, the Offeror must respond to this pricing schedule by inserting in its financial offer for each of the periods specified below its quoted firm all-inclusive daily rate (in Cdn \$) for each of the proposed resource.

The rates specified below, when quoted by the Offeror, must include the total estimated cost of all travel and living expenses that may need to be incurred for:

- a) the Work described in **Annex A, Statement of Work, Part 7, Standing Offer and Resulting Contract** of this offer solicitation;
- b) the relocation of resources; and
- c) travel to the locations identified in **Column 3, Attachment 2 to Part 3 - Offeror Geographic Locations and Language Capabilities Table**.

To satisfy the terms of any resulting contract, these expenses cannot be charged directly and separately from the professional fees to any contract that may result from the offer solicitation.

Professional fees								
Name of resource			Firm all-inclusive daily rates (CAN\$)					
	Stream		Year 1	Year 2	Year 3	Year 4	Year 5	Average of all 5 periods (Evaluated price)
	1	2	Date of issuance to 2022	2022 to 2023	2023 to 2024	2024 to 2025	2025 to 2026	

ATTACHMENT 2 to PART 3

OFFEROR GEOGRAPHIC LOCATIONS AND LANGUAGE CAPABILITIES TABLE

The Offeror should provide the following information with their Offer:

Name of proposed resource(s)	Stream		Identify Language(s) in which the proposed resource can provide the services	List all Canadian cities where the proposed resource would be prepared to work, <i>but not limited to</i> , without being reimbursed for Travel & Living expenses
	1	2		

ANNEX B

BASIS OF PAYMENT

During the period of the Contract, for Work performed in accordance with the Contract, the Contractor will be paid as specified below.

1.0 Professional Fees

The Contractor will be paid firm all-inclusive daily rates as follows:

Professional fees								
Name of resource			Firm all-inclusive daily rates (CAN\$)					
	Stream		Year 1	Year 2	Year 3	Year 4	Year 5	Average of all 5 periods
	1	2	Date of issuance to 2022	2022 to 2023	2023 to 2024	2024 to 2025	2025 to 2026	(Evaluated price)

For the purpose of this Contract, a day is defined as 7.5 hours of work, exclusive of meal breaks. Payment will be made for days actually worked, with no provision for annual leave, statutory holidays and sick leave. If time worked is more or less than a day, the firm all-inclusive daily rate must be prorated to reflect the actual time worked.

2.0 Cost Reimbursable Expenses

2.1 Authorized travel

For the requirements relative to travel described in the **Annex A, Statement of Work**, the Contractor will be reimbursed its authorized travel and living expenses reasonably and properly incurred in the performance of the Work, at cost, without any allowance for profit and administrative overhead, in accordance with the meal and private vehicle expenses provided in Appendices B, C and D of the [National Joint Council Travel Directive](#); and with the other provisions of the directive referring to "travellers", rather than those referring to "employees".

All travel must have the prior authorization of the Project Authority.

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.
File No. - N° du dossier
411zg. E60ZG-220399

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

The authorized travel and living expenses will be paid upon submission of an itemized statement supported by receipt vouchers. All payments are subject to government audit.

Canada will not accept any travel and living expenses for:

- a. Work performed within the National Capital Region (NCR). The NCR is defined in the National Capital Act, R.S.C. 1985, c. N-4, S.2. The National Capital Act is available on the Justice Website: <http://laws.justice.gc.ca/eng/acts/N-4/> ;
- b. Any travel between the Contractor's place of business and the NCR; and
- c. Any relocation of resources required to satisfy the terms of the Contract.

These expenses are included in the firm all-inclusive daily rates specified in section 1.0 above.

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411zg
CCC No./N° CCC - FMS No./N° VME

ANNEX E

OFFEROR GEOGRAPHIC LOCATIONS AND LANGUAGE CAPABILITIES TABLE

Will be included in the Standing Offer.

Name of proposed resource(s)	Stream		Identify Language(s) in which the proposed resource can provide the services	List all Canadian cities where the proposed resource would be prepared to work, <u>but not limited to</u> , without being reimbursed for Travel & Living expenses
	1	2		