



SHARED SERVICES CANADA

AMD 005

Request for Proposals for MAINFRAME REPORTING TOOL

Invitation to Qualify No.	21-94254	Date	January 31, 2022
GCDocs File No.	N/A	GETS Reference No.	PW-21-00976954

This Amendment is issued to amend the RFP. All the terms and conditions of the RFP remain unchanged.



THIS SOLICITATION AMENDMENT IS ISSUED TO:

1. Amend the RFP

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INSERT:

4.7.1 Acceptance of all the terms and conditions contained in the Resulting Contract Clauses (including those relating to software licensing and those incorporated by reference) is a mandatory requirement of this bid solicitation.

4.7.2 However, Bidders may, as part of their response, submit additional software use terms. Whether or not those software use terms will be included in any resulting contract (as an Annex in accordance with the Article entitled “Priority of Documents” in the Resulting Contract Clauses) will be determined using the process described below. Whether or not any proposed additional software use terms are acceptable to Canada is a matter solely within the discretion of Canada.

4.7.3 The process is as follows:

4.7.3.1 Responses may include additional software use terms that are proposed to supplement the terms of the Resulting Contract Clauses. Bidders should not submit a software publisher’s full standard license terms (because full standard license terms generally contain provisions that deal with more than simply how the software can be used; for example, they frequently deal with issues such as limitation of liability or warranty, neither of which are software use terms);

4.7.3.2 In cases where the Bidder has submitted a software publisher’s full standard license terms, Canada will require that the Bidder remove these terms and submit only the software use terms that the Bidder would like Canada to consider;

4.7.3.3 Canada will review the additional software use terms proposed by the top-ranked Bidder (identified after the financial evaluation) to determine if there are any provisions proposed by the Bidder that are unacceptable to Canada;

4.7.3.4 If Canada determines that any proposed software use term is unacceptable to Canada, Canada will notify the Bidder, in writing, and will provide the Bidder with an opportunity to remove that provision from its bid or to propose alternate language for consideration by Canada. Canada may set a time limit for the Bidder to respond; if the Bidder submits alternate language, if Canada does not find the alternate language acceptable, Canada is not required to allow the Bidder to submit further alternate language;

4.7.3.5 If the Bidder refuses to remove provisions unacceptable to Canada from its bid within the time limit set by Canada in its notice, the bid will be considered non-compliant and be disqualified; Canada may then proceed to the next-ranked bid; and

4.7.3.6 If the Bidder agrees to remove the provisions that are unacceptable to Canada and it is awarded any resulting contract, the proposed additional software use terms (as revised) will be incorporated as an annex to the contract, as set out in the Article entitled “Priority of Documents” in the Resulting Contract Clauses.



To ensure that only additional software use terms that have been agreed to by both parties are incorporated into any resulting contract, the additional software use terms proposed are to be included as a separate annex and initialed by both parties. The fact that some additional terms and conditions or software use terms were included in the response will not result in those terms applying to any resulting contract.

INSERT:

ANNEX C –SOFTWARE USAGE AND SOFTWARE MAINTENANCE AND SUPPORT - TERMS AND CONDITIONS

Only terms which are presented in full and directly included in Annex C - Software Usage and Software Maintenance and Support - Terms and Conditions form part of the Contract. Any terms or conditions that are purported to be incorporated by reference through URLs, read me files or otherwise form no part of the Supply Arrangement unless such terms are presented in full and included at Annex C - Software Usage and Software Maintenance and Support - Terms and Conditions.

Note to Suppliers:

The Supplier may submit Terms and Conditions that apply to the use of the software as well as the software maintenance and support. However, if there are any discrepancies between the Supplier's Terms and Conditions and those in the body of the RFP and Resulting Contract clauses, the Terms and Conditions of the RFP shall prevail.