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11 Laurier St. / 11, rue Laurier

Place du Portage, Phase III

Core 0B2 / Noyau 0B2

Gatineau

Québec

K1A 0S5

Bid Fax: (819) 997-9776

**SOLICITATION AMENDMENT
MODIFICATION DE L'INVITATION**

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

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

Comments - Commentaires

Vendor/Firm Name and Address

Raison sociale et adresse du
fournisseur/de l'entrepreneur

Issuing Office - Bureau de distribution

Weapons Systems Division/Division des systèmes
d'arme

11 Laurier St. / 11, rue Laurier

8C2, Place du Portage

Gatineau

Québec

K1A 0S5

Title - Sujet Pistol and Holster System	
Solicitation No. - N° de l'invitation W8476-216392/C	Amendment No. - N° modif. 003
Client Reference No. - N° de référence du client W8476-216392	Date 2022-03-21
GETS Reference No. - N° de référence de SEAG PW-\$\$BM-039-28534	
File No. - N° de dossier 039bm.W8476-216392	CCC No./N° CCC - FMS No./N° VME
Solicitation Closes - L'invitation prend fin at - à 02:00 PM Eastern Standard Time EST on - le 2022-04-19 Heure Normale de l'Est HNE	
F.O.B. - F.A.B.	
Plant-Usine: <input type="checkbox"/> Destination: <input type="checkbox"/> Other-Autre: <input type="checkbox"/>	
Address Enquiries to: - Adresser toutes questions à: Grosser, Keith	Buyer Id - Id de l'acheteur 039bm
Telephone No. - N° de téléphone (873) 355-2334 ()	FAX No. - N° de FAX () -
Destination - of Goods, Services, and Construction: Destination - des biens, services et construction:	

Instructions: See Herein

Instructions: Voir aux présentes

Delivery Required - Livraison exigée	Delivery Offered - Livraison proposée
Vendor/Firm Name and Address Raison sociale et adresse du fournisseur/de l'entrepreneur	
Telephone No. - N° de téléphone Facsimile No. - N° de télécopieur	
Name and title of person authorized to sign on behalf of Vendor/Firm (type or print) Nom et titre de la personne autorisée à signer au nom du fournisseur/ de l'entrepreneur (taper ou écrire en caractères d'imprimerie)	
Signature	Date

RFP/C Amendment 003 is raised for the following:

1. To answer questions from Vendors during the Solicitation period.

Question 10.

3.24.2

- a. Why does the CF require a sub compact pistol? The Canadian military has not ever used or required a sub compact pistol. We object to this mandatory requirement and request that it be removed, this requirement will unfairly disqualify pistols that can not meet this unnecessary requirement.
- b. The previous solicitation that was cancelled did NOT mention the requirement for a sub compact pistol, why is this now a requirement?

Answer 10.

The Canadian Armed Forces (CAF) requirement for a sub-compact and compact pistol is not new. This requirement was discussed in PWGSC's response to Question #6 from Solicitation No. W8476-216392/B, which was published on buyandsell.gc.ca, as follows:

IAW Annex C Canada requires a serialized Trigger Group which must enable the Canadian Army to develop multiple configurations around the Trigger Group. This single Trigger Group must allow us to create the following:

- C22 FF pistol in either a s/m/l grip frames;
- C22 pistol in either FF, compact or subcompact frame sizes;
- C22 pistol in alternate calibres; or
- any combination of the above.

The terms "compact" and "sub-compact" were not specifically used in Solicitation No. W8476-216392/B, other than in responses to bidder questions, as the modularity requirement ensured the resulting pistol would have the capability of converting into multiple configurations. Given the concerns expressed regarding the requirement from Solicitation No. W8476-216392/B that the trigger assembly group be transferable to a new frame, and in response to the Canadian International Trade Tribunal's (CITT) recommendations for PR-2021-023 and PR-2021-028, PWGSC re-oriented the requirements set out in Articles 1.2.2.5 and 3.24 in Solicitation No. W8476-216392/C to be performance-based specifications with more flexibility for suppliers without the capacity for modularity with respect to calibre.

In its Decision and Reasons, the CITT accepted that PWGSC and DND had "stated definitively and explained how each of the disputed specifications would serve to further particular objectives within the CAF." The CITT further indicated that it had "no reason to doubt the authenticity of these claims", but that PWGSC must ensure that it articulates its requirements in terms of performance specifications. The requirements of this solicitation permit a variety of designs to be used to satisfy the requirement for a compact and sub-compact configuration, and as a result, PWGSC will not be making changes to this requirement, which reflects a legitimate operational requirement of the Canadian Armed Forces.

With regard to the comment that the "Canadian military has not ever used or required a sub compact pistol", whether or not this has been a requirement in previous bid solicitations does not affect whether it is currently a legitimate operational requirement. Requirements necessarily evolve over time.

Question 11.

3.9.2

a. We objects to the specification in section 3.9.2 because it will unfairly disqualify pistols which function by having operators pull the trigger when the pistol is being disassembled and overlooks the fact that operators could avoid having to activate a “striker deactivation button” by simply pulling the trigger before he or she attempts disassembly. All semi-automatic pistols can be safely disassembled by an operator who pulls the trigger for disassembly purposes. Pistols that can be disassembled by depressing the trigger are in use by the majority of NATO’s armed forces, and by tens of thousands of police officers across Canada, as well as members of the Department of National Defence.

Furthermore, all pistol manufacturers declare in their written manuals and training programs that any pistol must be proven safe and not loaded before disassembly is attempted. The CAF small arms doctrine also requires the operator to prove the weapon safe before disassembly. It is imperative from a safety point of view, for an operator to prove that the gun is not loaded before disassembling, by retracting the slide and visually and/or physically (with your finger) confirming the presence or absence of a round in the chamber. Once these basic steps are taken – as required by all firearms manufacturers and the basic rules of firearm safety – the pistol can be safely disassembled by pulling the trigger. A mandatory requirement that prohibits pistols which require the pulling of the trigger in order to safely disassemble the weapon is an unnecessary design-based restriction that is not based on any operational or performance requirement. In fact, the current wording of this criterion gives an unfair and unwarranted advantage to specific bidders, and discriminates against other pistol manufacturers whose pistols can be safely disassembled by pulling the trigger. Moreover, this mandatory requirement improperly favours specific bidders whose pistols are designed with “striker deactivation” mechanisms by overlooking the fact that an operator could simply pull the trigger on those bidders’ pistols to avoid their otherwise cumbersome disassembly process and/or forego the use of any external disassembly-related tools. Additionally, we note that some pistols can be safely disassembled by using a tool even where the pistol does not have a “striker deactivation button.” The requirement for a “striker deactivation button” or other mechanical mechanism therefore discriminates against pistols which can be safely disassembled by other means.

Answer 11.

The requirement in Article 3.9.2 that the pistol have a “striker deactivation button or other mechanical mechanism” was one of the requirements from Solicitation No. W8476-216392/B that was the subject of a complaint to the Canadian International Trade Tribunal (CITT) in PR-2021-023 and PR-2021-028. Based on the submissions made by PWGSC in relation to the complaint, the CITT did not find any reason to doubt that the striker deactivation button requirement is a legitimate operational requirement. Further, the requirement set out in Article 3.9.2 allows for an “other mechanical mechanism” and therefore, even if it were a design specification, its use is permitted by Article 509(3) of the CFTA because equivalent mechanical methods are permitted that allow for the safe disassembly of the pistol without having to pull the trigger. Accordingly, Canada does not intend on deleting or revising Articles 3.9.2 and 3.9.3 as the requirement does not reflect a violation of the CFTA.

ALL OTHER TERMS AND CONDITONS REMAIN UNCHANGED.