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## GOVERNMENT OF CANADA

### Request for Information On Cloud Services Terms and Conditions Template

Request for Information No.	PW-22-01006398	Date	September 29, 2022
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Issuing Office	Shared Services Canada	
Contracting Authority (The Contracting Authority is the representative for all questions and comments about this document.)	Name	Adam Uberig
	Telephone No.	613-220-5096
	Email Address	<a href="mailto:Adam.uberig@ssc-spc.gc.ca">Adam.uberig@ssc-spc.gc.ca</a>
Closing Date and Time	2022-10-27, 14:00	
Time Zone	Eastern Daylight Time (EDT)	
Destination of Goods/Services	Not applicable – Request for Information Only	
Email Address for Submitting your Response by the Closing Date	<a href="mailto:pvrprotectedcloudarfnuageprotege@ssc-spc.gc.ca">pvrprotectedcloudarfnuageprotege@ssc-spc.gc.ca</a>	

# GOVERNMENT OF CANADA

## Request for Information On Cloud Services Terms and Conditions Template

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# **Request for Information on Cloud Services Terms and Conditions Template**

## **1. Purpose and Nature of the Request for Information (RFI)**

### **1.1. Purpose of the Request for Information (RFI)**

The Government of Canada is launching this Request for Information (RFI) to solicit feedback from industry on Terms and Conditions developed to standardize how Cloud Services are procured. The Objectives of this RFI are to:

- a) Request detailed information and feedback from suppliers.
- b) Determine the capability of suppliers to satisfy future requirements with the developed Terms and Conditions.
- c) Allow suppliers to suggest potential revisions to the Terms and Conditions.

Respondents are requested to provide answers and feedback related to the questions in Part 3 (Questions to Suppliers).

### **1.2. Nature of the Request for Information (RFI)**

This is not a bid solicitation. This RFI will not result in issuance of a solicitation and will not result in the award of any contract. This RFI is simply intended to solicit information and feedback from industry with respect to the matters described in this RFI.

## **2. Response Instructions and Information**

### **2.1. Nature and Format of Responses Requested**

Respondents are invited to provide comments regarding the questions found in Part 3 of this RFI. Respondents are requested to provide their comments directly in Annex A.

Alternatively, respondents can comment on a different media and format by appropriately referencing the document as well as the relevant section(s) and question(s). Respondents are requested to explain any assumptions they make in their interpretation of the questions.

## **2.2. Response Costs**

Canada will not reimburse any respondent for expenses incurred in responding to this RFI.

## **2.3. Treatment of Responses**

### **2.3.1. Use of Responses**

Responses will not be formally evaluated. The responses received may be used by Canada to develop or modify procurement policies, requirements, or standards. Canada will review all responses received by the RFI closing date. Canada may, at its discretion, request a follow-up on responses received and may review responses after the RFI closing date.

### **2.3.2. Access to Information**

The Access to Information Act provides, upon request, a right of access to information in records under the control of a government institution. The general right of access is limited by specified exclusions from disclosure. These exclusions include, among other things, certain types of third-party information, the disclosure of which could be detrimental to that party. Respondents are requested to indicate and mark any portions of their response that they consider proprietary or confidential. Canada will handle these portions in accordance with the Access to Information Act.

### **2.3.3. Sharing information with Other Government**

Canada may share some or all the information collected in the process of this Request for Information (RFI) with provincial and/or municipal governments.

## **2.4. Contents of this Request for Information (RFI)**

This RFI will contain the following documentation:

- “General Procurement – Terms and Conditions – Cloud Services”
- Privacy Obligations
- Security Obligations
- Supplier Comment Form

## **2.5. Response Content**

The first page of each document of the response provided should contain:

- a) The RFI number
- b) The name of the company that the respondent is representing
- c) The date of submission of the documents

## **2.6. Enquiries**

The Government of Canada will not necessarily respond to enquiries in writing or by circulating answers to all respondents as this is not a solicitation process. However, respondents who have questions regarding this RFI may direct their enquiries to the Contracting Authority(ies) listed on Page 1.

## **2.7. Submission of Responses**

### **2.7.1. Time and Place for Submission of Requests**

Suppliers interested in providing a response should deliver it to the Email Address indicated on Page 1, by **10/27/22**, at **2pm** EDT.

### **2.7.2. Responsibility for Timely Delivery**

**2.8.** Each respondent should ensure their response is delivered on time to the correct email address.

## **2.9. Security Requirements**

There are no security requirements associated with responding to this RFI.

## **2.10. Official Languages**

Responses to this RFI are requested to be presented in either of the official languages of Canada.

## **3. Questions to Suppliers**

### **3.1. Context**

The Government of Canada has received feedback from industry and various GC cloud stakeholders that include, but are not limited to the following:

- Terms and conditions across various cloud procurements are not consistent.
- Traditional Standard Acquisition Clauses and Conditions do not always align with Cloud Service offerings.

In response to the feedback received, the Government of Canada has drafted cloud terms and conditions/templates in order to provide GC Clients and Partners with a standardized cloud terms and conditions template. The result is that the template:

- Allows for consistency in the cloud terms and conditions and templates used across various GC Departments and Agencies;
- Provides a flexible contracting mechanism which can be adjusted based on various cloud use-cases and cloud service delivery models;
- Accounts for cloud industry best practices through lessons learned from previous cloud solicitations, which were used in the development of the standardized template; and,
- Reduces the use of “traditional” standard acquisition clauses which are not relevant to cloud.

The Government of Canada would like to use the standard template where possible for future cloud requirements, which may include bid solicitations for Requirement Confirmation Requests (RCR) under the FC Cloud Framework Agreement (FA) and/or contracts issued under the FA’s Marketplace, as well as bid solicitations and/or contracts issued against the GC Cloud Software as a Service Supply Arrangement. Canada is seeking feedback from suppliers in order to continuously improve how cloud procurement is conducted.

### **Questions to Suppliers**

In an effort to better understand how the cloud procurement terms and conditions could impact the diverse array of potential suppliers, this Request for Information (RFI) will also seek information on the characteristics of respondents. The provision of this information is voluntary.

#### **3.1.1. General Procurement Template**

- a) In reference to attachment – A – General Procurement Template can you indicate if there are any clauses which would limit your ability to supply Cloud Services to the Government of Canada?
  - i. Please outline the impact to your technical solution or business delivery along with your concern.
  - ii. Additionally, please also indicate your proposed solution to the presented concern.

b) In reference to attachment – A - General Procurement Template, are there additional terms which should be considered for inclusion?

### 3.1.2. Privacy/Security Obligations

a) In reference to attachment – B – Privacy/Security Obligations can you indicate if there are any sections which would limit your ability to supply Cloud Services to the Government of Canada?

- i. Please outline the impact to your technical solution or business delivery along with your concern.
- ii. Additionally, please also indicate your proposed solution to the presented concern.

b) In reference to attachment – B – Privacy/Security Obligations are there additional terms which should be considered for inclusion?

### 3.1.3. Supplier Identification (voluntary)

a) How many full-time and part-time employees does your organization employ?

b) To what Industry sector does your organization belong?

*Please provide Goods and Services Identification Number (GSIN) for which your organization has submitted bids for government contracts.*

c) How many Government of Canada contracts has your organization been awarded in the last 2 years valued?

- i. Over \$25M
- ii. Between \$1M-\$25M
- iii. Under \$1M?

d) Describe the ownership of your business. Indicate if at least 51% of the business is owned by person(s) who self-identify as a member of any of the following diverse groups.

*Select all that apply:*

- Visible minorities (The Employment Equity Act defines visible minorities as persons, other than Indigenous Peoples, “who are non-Caucasian in race or non-white in colour.” Visible minority groups include but are not limited to persons who identify as Black, South Asian, Chinese, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese.)
- Indigenous Peoples -First Nations
- Indigenous Peoples - Métis Peoples
- Indigenous Peoples - Inuit
- Women
- Person(s) with disabilities
- LGBTQ2+
- Veterans
- None of the above

- Prefer not to answer

## ANNEX A – SUPPLIER COMMENTS

<i>Page # / No. de la page</i>	<i>Question Reference /</i>	<i>Clause Name and Number/ Nom et numéro de la clause</i>	<i>Clause Text / Texte de la clause</i>	<i>Comments on current clause-text / Commentaires</i>	<i>Comments for Proposed Changes /</i>