



Environmental Procurement with Public Services and Procurement Canada

Procurement Processes and Navigating buyandsell.gc.ca

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Scott Tomlinson, MAsc, PGeo, Erin Shankie, BSc
Environmental Services
Pacific Region



Public Works and
Government Services
Canada

Travaux publics et
Services gouvernementaux
Canada

Canada

Introduction

- Basic Principles
- Consulting Services
- Construction Contracts
- Using Buyandsell.gc.ca
- Other sources of information:
 - Office of Small and Medium Enterprises (OSME) also provides information on government contracting
 - During solicitations Contracting Officer



Basic Principles

- Pacific Region (BC and Yukon)
- Contracting should be “Fair, Open, and Transparent”
- Contracting Policy:
 - The objective of government procurement contracting is to acquire goods and services and to carry out construction in a manner that enhances access, competition and fairness and results in best value or, if appropriate, the optimal balance of overall benefits to the Crown and the Canadian people
- Terminology
 - “Commercial Acquisitions” for some Services
 - “Real Property Contracting” for some Services and all Construction
 - “Contractors” include consultants
 - “Must” in either a solicitation or a contract is mandatory



Consulting Services- Types

- Supply Arrangements
 - No contractual commitment
 - Pre-qualified list
 - Not currently used by Environmental Services in Pacific Region
- Standing Offer Arrangements
 - No contractual commitment, but generally an intent
 - Subsequent Call-Ups are contractual commitment
 - Not currently used by Environmental Services in Pacific Region
- Contracts with Task Authorizations
 - Contract at time of award
 - Authorize tasks against the Contract
 - Currently used by Environmental Services in Pacific Region



Consulting Services– General Conditions

- GC 2035 9: Ownership
 - Canada owns all Work
- GC 2035 20: Copyright
 - Canada owns the Copyright
- GC 2035 42: Entire agreement
 - Contract is entire agreement
 - Consultant’s report “Statement of Limitations” cannot introduce new limitations on liability
 - Statements of fact are allowed eg:
 - Regulations are subject to change
 - Site conditions may vary from locations tested
 - Contamination may vary over time



Consulting Services– Current CTAs

- Laboratory Analysis, \$10M value, expires 2020Mar30
 - Sample analysis for larger (>\$25,000 analytical projects)
- Enviro Site Characterization, \$20M value, expires 2019Mar31
 - Phase 1 and 2 and Preliminary Site Investigations (1 and 2) and Detailed Site Investigations
- Remediation Consulting, \$20M value, in progress
 - Planning, implementation, and closure of numerical remediation projects
- HH & Eco Risk Assessment, \$20M value, expires 2019May31
 - CCME and BC Risk Assessment and Risk Management
- Marine Sediment, \$20M value, expires 2018Mar31
 - Investigation, Risk Assessment, and Remediation of marine sediment projects



Consulting Services– Solicitation Evaluation

- Generally three components
 - Bidder's (company's) qualifications
 - Key Personnel's qualifications
 - Management of Services (org chart, backup)
- Principles
 - Intent is best Proponent
 - Relative to Statement of Work, including: work location, type of site, environmental standards, and tasks
- Scoring
 - Minimum three technical reviewers and one contracting monitor
 - Use Generic Evaluation Table (0-10 points)
 - Price factored in after technical review



Consulting Services– Solicitation Evaluation

- Reasons subject to requirements of particular Solicitation
- Potential reasons for Non-Qualifying
 - RFP submission after Solicitation Closes (typically 14:00)
 - Not meeting minimum technical score
 - Price greater than 125% of average compliant bids
- Potential reasons for lower technical scores
 - The technical bid should address clearly and in sufficient depth the points that are subject to the evaluation criteria against which the bid will be evaluated. Simply repeating the statement contained in the bid solicitation is not sufficient.
 - Project not in BC or YT, not a relevant Type of Site, did not use relevant “Standards” (CCME, BC CSR, YT CSR), example is small or simple
 - Personnel only meet minimum qualifications (eg experience)



Construction Contracts – Types

- Invitation To Tender (ITT)
 - Low bid
 - May include Mandatory Technical Criteria (eg minimum experience)
- Request For Proposals (RFP)
 - Two envelope system: technical followed by price
 - May include Mandatory Technical Criteria
 - Generally for more technically challenging projects
- Procurement Strategy for Aboriginal Business
 - Set-aside trade agreements to restrict to aboriginal business
 - Client determines when to use, often used if FN land involved
- Common reasons for Non-Qualifying
 - Inconsistent company name, incorrect bonding or insurance, did not include or meet mandatory requirements

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Construction Contracts – General Conditions

- R2820D GC2.1 Departmental Representatives Authority
 - Responsible for technical content of the Work; issues notices, instructions, and changes of scope; accept communications from Contractor; review submissions
 - The technical authority has no authority to authorize changes to the Contract terms and conditions of the Contract.
 - The contracting authority is responsible for the management of the Contract and any changes to the Contract terms and conditions must be authorized in writing by the Contracting Authority
- R2860D GC2.1 Superintendent
 - Contractor shall designate a Superintendent. The Contractor shall keep the Superintendent at the Work site during working hours until the Work has reached completion



Construction Contracts – General Conditions

- R2860D GC6.2 Changes in Subsurface Conditions
 - If the Contractor encounters subsurface conditions that are substantially different from the subsurface conditions described in the tender documents supplied to the Contractor, or a reasonable assumption of fact based thereon, the Contractor shall give notice to Canada immediately
- R2860D GC6.4 Determination of Price
 - Price Determination - Variations in Tendered Quantities
 - If the final quantity of the price per unit item exceeds the estimated tendered quantity by more than 15 percent, either party to the Contract may make a written request to the other party to negotiate an amended price per unit for that portion of the item which exceeds 115 percent
 - If it appears that the final quantity of a price per unit item shall be less than 85 percent of the estimated tendered quantity, either party to the Contract may make a written request to the other party to negotiate a change to the price per unit for the item if there is a demonstrable difference between the unit cost to the Contractor of performing or supplying the estimated tendered quantity and the unit cost to the Contractor for the final quantity
 - the onus of establishing, justifying and quantifying a proposed change lies with the party making the request for negotiation

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Construction Contracts – General Conditions

- R2860D GC6.5: Delays and Extension of Time
 - If the Contractor incurs or sustains any extra expense or any loss or damage that is directly attributable to any neglect or delay that occurs after the date of the Contract on the part of Canada in providing any information or in doing any act that the Contract either expressly requires Canada to do or that would ordinarily be done by an owner in accordance with the practice of the trade, the Contractor shall give Canada written notice of intention to claim
- R2890D GC9.2: Types and Amounts of Contract Security
 - A performance bond and a labour and material payment bond each in an amount that is equal to not less than 50 percent of the Contract Amount
 - A security deposit or an irrevocable standby letter of credit in an amount that is equal to not less than 20 percent of the Contract Amount



Construction Contracts – Ongoing Projects

- Yukon Airports
 - Whitehorse Airport and Watson Lake Airport
 - Excavations, Insitu systems, Risk Management
 - Work airside restrictions
- Alaska Highway
 - Maintenance Camps, former Construction Camps
 - Excavations, Insitu systems, Risk Management
 - Timing and coordination with active maintenance camps
- Victoria Harbour
 - Uplands and Marine excavation components
 - PCB Hazardous Waste
 - High profile location



Construction Contracts – Ongoing Projects

- Department of National Defense Projects
 - Environmental remediation work is shared with Defense Construction Canada
 - Uplands and Marine work, mostly excavation or dredging
 - Marine work is either jetty reconstruction and open water
- Requirements for High Security Construction Projects
 - Applies to DND, RCMP, Canada Border Services Agency, Correctional Services Canada
 - All projects require a Security Requirements Check List (SRCL)
 - All companies require a Designated Organization Screening from Canadian Industrial Security Directorate
 - All individuals require a security pass from DND



Construction Contracts – Ongoing Projects



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Using Buyandsell.GC.CA

- Tombstone Information
 - SACC – Section 1 Standard Instructions
 - SACC – Section 3: General Conditions for Consulting Services
 - SACC – Section 5.R: General Conditions for Construction Contracts
 - Forms Catalogue
- Active Solicitations
 - Can receive email notifications or be listed as a supplier (subcontractor)
 - Be careful when searching in case solicitation has atypical filing or naming; GSIN Number “E199D” can be used as a search criteria
 - Review Amendments as may affect Evaluation or Submissions
- Non-active Content
 - Contract awards
 - Archived Solicitations

