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Acronyms and Initialisms

Aboriginal Business Canada		
Advance Contract Award Notice		
Administration and Control of Contracts and Regional Data		
Internal Trade		
siness Directory		
nmercial Corporation		
ns Resolution Board		
utes Advisory Board		
ement Board		
rnational		
Individual		
ontract Regulations		
rthern Affairs Canada		
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NISO	National Individual Standing Offer		
NMSO	National Master Standing Offer		
NPP	Notice of Proposed Procurement		
PRC	Procurement Review Committee		
PSAB	Procurement Strategy for Aboriginal Business		
PWGSC	Public Works and Government Services Canada		
RCM Responsibility Centre Mana			
RFP	Request for Proposal		
RFQ	Request for Quotation		
RFSO	Request for Standing Offer		
RISO	Regional Individual Standing Offer		
RMSO	Regional Master Standing Offer		
SPEC	Selection, Prequalification and Evaluation of Consultants		
SRI	Supplier Registration Information (Contracts Canada)		
WTO-AGP	World Trade Organization – Agreeement on Government Procurement		

Introduction

he Government of
Canada buys a wide
variety of products and
services, including
everything from food
products to
sophisticated technology and
from cleaning services to
scientific research. Generally,
these products and services
fall into the following
categories.

GOODS AND SERVICES

Government purchases over 17,000 types of goods and services from the private sector, including:

- aerospace and electronic systems;
- computers and peripherals;
- commercially available products;
- custom manufactured products;
- marine services;
- communications services;
- audio-visual and printing services;
- research and development services; and
- science and professional services.

These products and services may be purchased either by the department which needs it or for that department by Public Works and Government Services (PWGSC). It depends primarily on the dollar value of the requirement.

CONSTRUCTION AND MAINTENANCE SERVICES

Government buys a wide variety of construction and maintenance services. These services are usually purchased on behalf of a department or agency by the Real Property Services Branch of PWGSC. Leases are also contracted through this branch.

ARCHITECTURAL AND ENGINEERING CONSULTING SERVICES

On behalf of federal departments and agencies, PWGSC buys a wide variety of architectural and engineering consulting services, including:

- professional and technical services such as planning and design studies; and
- specialized services such as environmental services and heritage restoration.

Many Aboriginal suppliers are capable of providing the wide range of goods and services required by federal departments and agencies. However, only a few are actually receiving government contracts.

Part of the reason could be lack of knowledge on the part of suppliers regarding the process of government bidding, contracting and marketing. It could also be that suppliers do not know how to take advantage of possibilities in secondary contracting and joint ventures.

This primer aims to give Aboriginal suppliers an idea of what they need to know to help them pursue, and bid on, federal government requirements. A variety of topics are covered.

THE PROCUREMENT STRATEGY FOR ABORIGINAL BUSINESS (PSAB)

Suppliers need to understand the PSAB, its origin, policies, content and procedures as well as its limitations, if they are to take maximum advantage of government procurement opportunities.

FEDERAL GOVERNMENT ORGANIZATION AND PROCESSES

For Aboriginal suppliers to do business efficiently with government, they need a basic understanding of the structure, responsibilities and authorities these government organizations have.

FEDERAL CONTRACTING PROCESS

Suppliers must understand the federal government contracting process, including its objectives, goals, principles and components, for them to take advantage of contracting opportunities.

BID SOLICITATION PROCESS

Suppliers also need to know how to deal with the bid solicitation process. Among other things, bidders need to know why a formal bid solicitation is sometimes required, whether there are any exceptions to this, how government sources bids, what the different parts of bid solicitations mean and how to write proposals. All this is necessary so that suppliers can prepare truly effective bids and proposals.

BID EVALUATION PROCESS

Suppliers must be able to write bids effectively if they want to win contracts. For this, they require a basic knowledge of the general way that bids are evaluated, including such things as mandatory and rated requirements, certifications, etc.

MARKETING TO GOVERNMENT

Suppliers need effective techniques to market their products or services to government because many of these purchases are made without the open and competitive bid process.

OTHER TECHNIQUES

To be potential suppliers of goods and services, bidders must be innovative because the marketplace is very competitive. Specific appropriate techniques help suppliers gain access to Government of Canada business opportunities.

Appendices and Attachments

APPENDIX A contains frequently asked questions and answers concerning the government procurement procurement process and the Procurement Strategy for Aboriginal Business.

APPENDIX B lists Indian and Northen Affairs Canada (INAC) Regional PSAB Co-ordinators, their addresses and phone numbers.

APPENDIX C contains PSAB coordinators in other federal departments and agencies, their phone/fax numbers and e-mail addresses.

APPENDIX D tables the points (dollar value) which trigger Canada's trade agreements in the government procurement process.

APPENDIX E contains Web sites referred to in the primer, plus important telephone numbers for suppliers.

Procurement Strategy for Aboriginal Business

he PSAB is a federal government strategy designed to increase the number of Aboriginal suppliers bidding for, and winning, federal contracts. The PSAB was developed because Aboriginal businesses were under represented in the firms seeking, and winning, federal contracts.

PSAB COMPONENTS

Primary components of the PSAB include "set-asides," supplier development activities, supplier information activities, subcontracting and joint ventures.

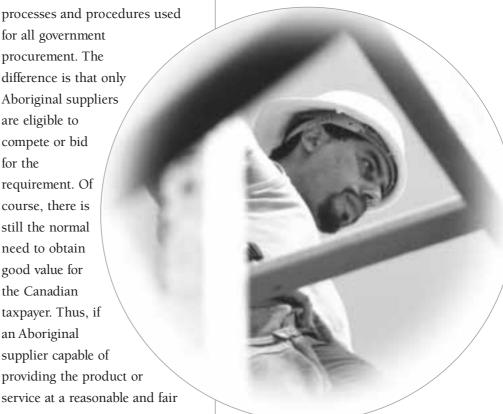
A **set-aside** is a procurement which has been taken out of the normal context and reserved (or set aside) for Aboriginal businesses (keeping in mind that they have the capacity for the job and that value can be obtained for government). For instance, a purchase which would normally come under one of Canada's international trade agreements (which usually requires an open procurement process) could be "set aside," and thus made available only to qualified Aboriginal suppliers.

There are two types of set-asides. The first is a **mandatory** set-aside. Here any requirement where the end user, recipient or beneficiary consists primarily of an Aboriginal population must be reserved for bidding only by Aboriginal suppliers. The second is a voluntary set-aside. This occurs when the contracting authority itself decides to set aside a requirement for bidding exclusively by Aboriginal suppliers.

Even though a requirement may be set aside from the normal bidding process, this does not happen at all costs. Set-aside requirements are purchased through the normal contracting processes and procedures used for all government

procurement. The difference is that only Aboriginal suppliers are eligible to compete or bid for the requirement. Of course, there is still the normal need to obtain good value for the Canadian taxpayer. Thus, if an Aboriginal supplier capable of providing the product or price cannot be found, the procurement process will be opened up to all suppliers, including non-Aboriginal suppliers.

Supplier development activities are those undertaken by departments and agencies to raise awareness for Aboriginal suppliers of what the various departments buy, who in the department makes the buying decisions, what particular things they look for when they buy, how they buy things, how they evaluate and qualify potential suppliers, etc. The contracting personnel in a department or the program personnel who need



these products or services, or both jointly, may carry out these activities.

Although bid opportunities are often advertised openly, for some, especially lower dollar-value requirements, the departments and agencies use source lists of qualified suppliers to identify and notify potential suppliers of bidding opportunities. (See Section 5, Bid Solicitation, for more information.) With respect to the PSAB, supplier information activities are those efforts by departments and agencies to increase awareness of existing Aboriginal business capacity. Many departments and agencies use source lists for much of their requirements, but some do not.

The PSAB permits departments, when a requirement is outside one of the international trade agreements, to use **sub-contracting** with Aboriginal business as one of the evaluation criteria to stimulate the enhancement of existing Aboriginal business capacity.

Furthermore, under the PSAB, Aboriginal suppliers are encouraged to enter into **joint ventures** with other Aboriginal or non-Aboriginal firms to bid on government contracts. A joint venture structured according to PSAB requirements would qualify

it as an Aboriginal supplier, eligible for set-aside requirements, i.e., being 51 percent Aboriginal owned and controlled.

ELIGIBILITY

For the PSAB, the term "Aboriginal" refers to a Status or Non-Status Indian, Métis or Inuit who is a Canadian citizen and is ordinarily resident in Canada. For the set-aside components of the PSAB only, an Aboriginal firm must have specific qualifications, primarily regarding ownership and control of the business, the Aboriginal component of the business' workforce and the Aboriginal content of the work to be done.

To qualify for set-asides, a business — which can be a sole proprietorship, limited company, co-operative, partnership or a not-for-profit organization — must meet the following criteria.

- At least 51 percent of the firm must be owned and controlled by Aboriginal people.
- If it has six or more fulltime staff, at least a third of the employees must be Aboriginal people.

If the bidder is a joint venture or consortium, it must also meet the following criterion.

At least 51 percent of the joint venture or consortium must be owned and controlled by an Aboriginal business or businesses as defined above.

ABORIGINAL CONTENT OF THE WORK

Aboriginal firms with six or more employees must have a workforce of at least a third Aboriginal people to qualify for set-asides. This also means that the Aboriginal component of this workforce adds "Aboriginal content" to any work they do. If an Aboriginal firm has fewer than six employees, it is not considered realistic to expect it to have a workforce of one third Aboriginal people. So these smaller firms do not have this condition.

When an Aboriginal supplier or joint venture intends to subcontract part of the requirement, the Aboriginal component in the work must be maintained. In this case, the potential contractor needs to certify that at least a third of the value of the work performed under the contract will be done by an Aboriginal firm. It may be work done by the primary contractor or by an Aboriginal sub-contractor. For PSAB purposes, the value of the work performed under the contract is

defined as the value of the contract, less any materials the contractor has bought directly for the performance of the contract.

CERTIFICATION

As part of the actual bid, the supplier must complete the Certification of Requirements for the Set-Aside Program for Aboriginal Business stating that it:

- meets the requirements for the program and will continue to do so throughout the duration of any contract it may get;
- will, on request, provide evidence that it meets the eligibility criteria;
- is willing to be audited regarding the certification it made; and
- acknowledges that if it fails to meet the eligibility criteria, it will be subject to one or more of the civil consequences set out in the certification and the contract.

The bidder's contract with any sub-contractor must also, where applicable, include a provision in which the sub-contractor agrees to give the bidder information proving its compliance with the program. As well, the sub-contract must authorize the bidder to allow the government to examine the sub-contractor's records to verify the information provided.

When suppliers submit a bid, they need only provide the properly completed Certification of Requirements for the Set-Aside Program for Aboriginal Business. Proof of their eligibility is not required at that time. However, the suppliers should have ready the pertinent information on Aboriginal ownership and control, Aboriginal employees and Aboriginal content of the work for government auditors to review, if required. This can happen at any time — before the contract is awarded, while it is being performed or after it is finished.

Performance Objectives

Each department and agency that annually buys more than \$1 million of goods, services and construction services has established yearly performance objectives for issuing contracts to Aboriginal suppliers, performing Aboriginal supplier development activities and including Aboriginal suppliers on the source lists. This encourages government departments and agencies to do business with

Aboriginal suppliers and to be receptive to marketing efforts by Aboriginal suppliers.

More information about the PSAB is available from PSAB Co-ordinators in each of INAC's Regional Offices (see Appendix B).

As well, more information concerning how the PSAB applies to the requirements of individual departments and agencies can be obtained from the departmental PSAB co-ordinators (see Appendix C).

3

Government Organization and Roles

o pursue government business opportunities effectively, suppliers must be aware of the organization of government. They need to understand the contracting process, including the respective roles and relationships of PWGSC and other departments, as well as the roles and relationships of departmental managers, contracting personnel and departmental contracting authorities.

ROLES AND RESPONSIBILITIES

The authorities, responsibilities and delegations for the contracting process in the federal government varies according to the nature of the product or service.

Individual departments and agencies have the authority, within their enabling legislation, to determine whether they want to contract for their own service requirements or to use the services of PWGSC for this process. It usually depends on the complexity and value of the requirement and on departmental workloads.

PWGSC has complete authority to purchase goods. However, it has delegated some of this authority to departments and agencies, subject to certain conditions. Generally, all departments and agencies can buy goods valued at \$5,000 and under. Some departments that use the PWGSC's automated

procurement processes
have been granted
additional authority
to purchase
goods valued at
\$25,000 and
under.

For

construction and maintenance services, departments and agencies can buy

most of these services directly without PWGSC

involvement, although they may use PWGSC if they want to.

PWGSC has the authority to purchase architectural and engineering consulting services for departments when these requirements are valued over \$25,000.

CONTRACTS CANADA

Many government departments and agencies are part of an interdepartmental initiative called Contracts Canada. The aim of Contracts Canada is to improve supplier and buyer awareness and to simplify access to federal government purchasing information. More information about Contracts Canada and its partners, including specific information about commonly purchased goods and about how these departments and agencies buy them, is available on the Contracts Canada Web site (at http://contractscanada.gc.ca/en/p artne-e.htm). For additional information about these departments and agencies, as well as for information regarding organizations not included in the Contracts Canada initiative, suppliers can log on to http://www.canada.gc.ca/depts/m ajor/depind_e.html.

The Contracts Canada Web site helps potential suppliers identify products or services each department or agency regularly purchases as well as the people who do the buying in each organization. For some organizations, suppliers can get regional as well as national information. Many of the departments and agencies represented on this Web site have links to their own Web pages to make it easier for potential government suppliers.

ORGANIZATION WITHIN DEPARTMENTS

Suppliers need to be aware of the roles, responsibilities and relationships of personnel involved in the procurement process within departments. The Responsibility Centre Managers (RCMs) and their staff, and contracting personnel are the usual buyers.

The RCMs are line managers responsible for departmental programs. They determine the actual requirement for goods or services for their programs and provide the necessary funding from their budgets. In most departments, RCMs have been delegated some purchasing authority. Suppliers can check the Contracts Canada Web site noted

above, which contains considerable information on the authority granted by departments and agencies to their RCMs.

Contracting personnel are staff with the responsibility and authority to act as an agent of the RCM to bring suppliers into a contractual relationship with the department. They neither determine the requirement nor control budgets.

The way departments and agencies of the federal government are organized affects the marketing efforts of potential government suppliers. They need to realize that purchasing decisions such as determining the requirements, defining the statement of work and setting out evaluation criteria are actually made by the RCMs rather than the contracting staff. The role of the contracting officer, who may be in the department or agency, or at PWGSC, is to act as an agent of the RCM to ensure that the product or service is purchased fairly and efficiently. Appropriate techniques to market commodities to both the RCMs and the contracting community are vital to ensure the success of suppliers' efforts (see Section 9, Marketing to Government).

The Contracts Canada Web site also provides valuable assistance for potential suppliers.

Information on this site helps suppliers determine how much authority the RCMs have (for partner departments and agencies) for direct purchase of lower dollar-value requirements, including those which may be sole sourced, based on source lists or purchased using government acquisition cards.

4

Contracting Process Overview

uppliers need to understand the objectives, goals and principles on which the process is based as well as the components of the contracting process, if they want to search out opportunities effectively.

OBJECTIVE

Government procurement aims
"... 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."

GOALS OF GOVERNMENT PROCUREMENT

The procurement process is intended to conduct government contracting in a manner that:

- stands up to public scrutiny in good judgment and honesty, eases access, encourages competition and reflects fairness in spending public funds;
- ensures the pre-eminence of operational requirement;

- supports industrial and regional development and other national objectives;
 and
- complies with the government's obligations under its trade agreements.

THE PROCESS

Procurement planning by departments ensures that the goals and objectives of the procurement process are met. Purchases valued over \$2 million are reviewed by committees to determine whether they contain opportunities for industrial, regional or Aboriginal development.

If such an opportunity exists in a procurement, government may decide to establish a preference for firms which can contribute to regional or Aboriginal development. Because this is generally done only where there is a potential for such development, Aboriginal firms need to make government officials aware of their capabilities and capacities very early in the procurement process, particularly in the case of value in excess of \$2 million.

Solid marketing efforts by Aboriginal suppliers help inform government buyers and decision makers of their capabilities. Section 5 of this primer, Marketing to Government, deals with marketing efforts directed at government buyers.

Effective and focused marketing depends on information primarily information about who will be buying suppliers' commodities. On a day-to-day basis, the best way to get this information is from government officials while marketing to them. For longer-term, higher dollarvalue procurement, many information sources are available. primarily on the World Wide Web. These sites range from Treasury Board's Web site (http://www.tbs-sct.gc.ca/) where suppliers may get information about government's long-term spending plans, to individual departmental sites containing more detailed information regarding projects, plans and priorities in different government departments and agencies (http://canada.gc.ca/depts/major/ depind_e.html).

Potential suppliers will find it useful to determine past purchases by departments and agencies, as these purchasing patterns often repeat themselves.

There are three main ways to get information regarding buying habits of departments and agencies. First, the agencies themselves may be able to provide suppliers with information on their previous purchases. Second, this information may be available from the Contracts Canada data base (http://csi.contractscanada.gc.ca/ csi/prod/en/applctrl.cfm?cmd=start).

As well, there is information available at the MERX Web site (http://www.merx.cebra.com).

Contracts Canada's data base has some shortcomings because it only contains information on contracts awarded for departments and agencies by PWGSC and applies only to contracts awarded since April 1, 1997. However, the data base does allow searches for information in four subject areas: commodity, customer, vendor or purchasing organization. Accordingly, it may be a useful way for suppliers of specific commodities to identify government organizations and buyers which have purchased the commodities that they supply. Suppliers can also use it to identify competitors of their business.

The MERX Web site may be used to find not only the departmental requirements previously open for bidding, but also the names of successful bidders and the value of the contracts awarded. There is more information on MERX in Section 5, under Sourcing.

Requirements definition

refers to the process the RCMs use to specify their requirements. For goods, requirements are usually defined in terms of performance and design specifications or by trade names and equivalents. For services, requirements are defined by statements of work.

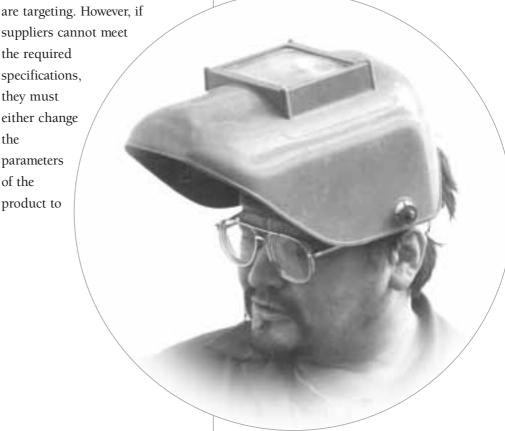
This part of the procurement process is very important because suppliers whose goods or services do not meet the defined requirements will not even be considered. Potential suppliers can thus be sure that their commodities meet the specifications set out by the departments and agencies they are targeting. However, if suppliers cannot meet the required specifications, they must

the parameters of the product to

meet the requirement or convince the buyer to modify the requirement so that the suppliers' product can meet it.

It is much easier to convince a department or agency to change the requirement details early in the definition stage. Once the bid-solicitation phase of a procurement has begun, requirement details are not usually amended.

Bid solicitation refers to the process departments use to inform suppliers of their requirements as well as of the terms and conditions under which they will evaluate and



contract for these requirements. The bid solicitation process is presented in more detail in Section 5.

Bid evaluation is the process by which suppliers' bids are examined and judged according to the evaluation criteria spelled out in the solicitation. More detail is provided in Section 7.

In the **contract award** process, a potential contract is reviewed to ensure a fair and ethical process, compliance with policies and regulations, reasonable risk, compliance with socio-economic objectives, etc., before it is actually awarded.

TYPES OF CONTRACTUAL DOCUMENTS

A **contract** is a legal agreement between the Crown and a supplier to provide goods, construction services or other services.

A **standing offer** is not a contract, but rather an offer by a supplier to provide goods or services under the terms, conditions and prices outlined in the offer. It is generally used for repetitive requirements when government is unsure of its exact needs during the period of the

standing offer but wants to facilitate quick and easy supply when the precise requirements are determined. A standing offer **call-up** occurs when departments advise the suppliers that they now require the quantities of goods or services according to the terms of the standing offer. When a call-up is made, a contract is established.

Normally, standing offers meet recurring requirements from government departments and agencies. They may cover a wide variety of both goods and services such as pharmaceuticals, office supplies, computers and temporary help services. Although not all commodities are purchased through standing offers, many are, especially those bought by departments and agencies on a continuing basis.

For the buyer, standing offers provide clearly defined commodities purchased on a recurring basis — but often in quantities that cannot be accurately forecast — at a previously determined, fixed price and established conditions. This allows the buyer to buy the exact commodity required, expediently and effectively.

While PWGSC provides departments with many standing offers, individual departments and agencies may also set up their own standing offers for commodities or suppliers that they use frequently.

PWGSC has different types of standing offers which suppliers should be familiar with, including the following ones.

- National Master Standing Offers (NMSO) are used on a national basis to provide all departments and agencies with commonly used commodities.
- Regional Master Standing
 Offers (RMSO) are used on
 a regional basis for
 commodities commonly
 used by most departments
 and agencies in a
 geographical area.
- National Individual Standing Offers (NISO) are used to provide a specific department or agency, on a national basis, with commonly used commodities.
- Regional Individual
 Standing Offers (RISO) are
 used to provide a specific
 department or agency, on a
 regional basis, with
 commodities commonly
 used in that geographic area.

■ Departmental Individual Standing Offers (DISO) are used only by PWGSC to supply departments and agencies with commodities that they require.

The process for standing offers is the same as that used to establish contracts with suppliers. Often these standing offers for goods and services are awarded to more than one supplier so that an organization can order the required commodities from several suppliers. Thus, if suppliers get a standing offer from an organization, it does not automatically mean that they will receive call-ups on it. However, a standing offer does give suppliers a very powerful and effective tool to market their goods and services to potential departmental users.

A **supply arrangement** is an agreement between a department and a supplier for a range of commodities, usually services, on an "as and when required" basis. These agreements are not binding but are used to facilitate supply and to specify terms and conditions when the services cannot be precisely defined. In

such cases, a standing offer will not work because the parameters cannot be clearly defined as required. Supply arrangements are most frequently used for services such as informatics.

Supply arrangements, similar to standing offers, may be issued on a national or regional basis by one or more departments.

A supply arrangement includes most of the terms and conditions to be applied to subsequent contracts and thus allows departments and agencies to determine the final specifications of the required work. These final specifications may include such things as the scope of the work and the basis or method of payment.

As in the case of standing offers, supply arrangements save time for the buyer by qualifying potential suppliers ahead of time (prequalification) and by creating a contracting framework. As with standing offers, they do not guarantee work for the suppliers, but they do give suppliers the opportunity to use the arrangement to market their services.

5

Bid Solicitation

efore bids are solicited for a requirement, departments generally determine the method of supply to be used to satisfy the requirement, meaning they decide whether to lease or buy what they need and how best to purchase it.

The Government Contract Regulations (GCR) allow only four exceptions to the requirement that a department ask for bids from potential suppliers.

- The requirement is a pressing emergency.
- The proposed expenditure is under \$25,000, or \$100,000 for architectural or engineering services.
- Solicitation of bids for the requirement is not in the public interest.
- Only one person or firm is capable of performing the contract.

SOURCING

The process of identifying potential suppliers is called "sourcing." There are three primary methods used by government buyers to identify potential suppliers: non-competitive selection, source lists and public advertisement.

In non-competitive

selection, the buyer asks only one supplier for reasons already discussed. Generally, it is a low dollar-value procurement or when a requirement clearly can be satisfied by only one potential supplier. To make this process fairer for all suppliers, an Advance Contract Award Notice (ACAN), which may be challenged by other suppliers, is often published.

The ACAN announces the government's intention to contract with a specific supplier because that supplier has a unique product, expertise or experience. The ACAN is published to allow other potential suppliers to challenge the government's position that this is the only supplier that can satisfy the requirement. When suppliers challenge an ACAN, they must show they also can meet the stipulated requirements. If the department or agency agrees with a supplier's challenge, it will open up the non-competitive selection process so that other potential suppliers can bid.

Source lists are lists of qualified suppliers, usually organized by commodities or services provided, which departments use to identify potential suppliers for specific goods or services. Source lists have traditionally been used by

government buyers to find suppliers for their requirements. However, electronic technology, especially MERX, is changing this process quickly and dramatically.

Although MERX is normally used for requirements valued at more than \$25,000, it is not unusual to see some advertised there which are valued under \$25,000.

While most departments and agencies use source lists to find potential suppliers, unfortunately, there is no central data base for all departments and agencies. Furthermore, some departments and agencies may have different source lists in each region rather than a single one. This means that potential suppliers must approach each organization to find out about its source lists and to ensure that their firm is on all applicable lists in the relevant department, agency or region.

Some departments and agencies also have specific source lists for potential Aboriginal suppliers. As well, Aboriginal suppliers should be aware of the Industry Canada Strategis Aboriginal Business Directory (ABD) which all government departments and agencies can use to find Aboriginal suppliers for goods and services they require (on INAC's Web site at:

http://www.inac.gc.ca under the Procurement Strategy For

Aboriginal Business and then, Supplier Search. All Aboriginal suppliers that want to sell goods or services to government departments and agencies should ensure that they are also listed in Contracts Canada Supplier Registration Information (SRI). This is especially true because this inventory is also often used to find potential Aboriginal suppliers for set-aside contract opportunities.

Although most departments and agencies organize their source lists by commodity, and thus include all commodities in their lists, some have specialized source lists. Most notable of these is PWGSC, which has one specialized source list for construction and maintenance opportunities and another for architectural and engineering consulting opportunities. These lists are really more than just sources: they also function as data bases to select suppliers to bid on specific requirements.

■ The Administration and Control of Contracts and Regional Data (ACCORD) data base is used to produce lists of potential bidders for construction and maintenance requirements valued at less that \$60,000.

■ The Selection, Prequalification and Evaluation of Consultants (SPEC) data base contains potential bidders for architectural and engineering consulting opportunities valued under \$72,600. To be on the SPEC, architects and engineers must have the required provincial authorizations to practice.

Once suppliers are listed, they should make sure the source listing is kept up-to-date with respect to information about their company and its products and services.

While it is important to be on departmental and agency source lists for the goods and services provided, this by itself is not enough. Source lists may make it easier to be invited to bid but do not ensure invitations to bid. Suppliers must be diligent in marketing their goods and services to departments to improve the odds of being invited to bid on specific requirements. Section 9 of this primer discusses appropriate ways for suppliers to market their commodities to potential government buyers.

When suppliers are invited to bid, they should respond even if they are not going to bid. Responses should acknowledge receipt of the bidding invitation and, in general terms, explain why the firm cannot bid at this time. This tells the buyer that the firm is still in operation and still interested in doing business with the organization, but that, for one reason or another, the time is not right to bid now.

Departments and agencies may use source lists of Aboriginal suppliers to obtain bids for requirements to be contracted under the PSAB. In these cases, the department's bid solicitation documents will clearly state that the requirement has been set aside under the PSAB and that bidding is therefore restricted to Aboriginal suppliers. Suppliers' bids must thus include the properly completed and signed certification to be eligible for a potential contract.

Public advertisement of opportunities means advertising the opportunity in the public press or publishing a Notice of Proposed Procurement (NPP) on the MERX Web site.

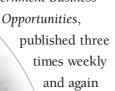
MERX is an important tool for potential suppliers of both federal and provincial requirements. Government departments and agencies advertise most bidding opportunities valued over \$25,000, as well as some under \$25,000. PWGSC uses MERX to

advertise printing opportunities valued over \$10,000, goods and services over \$25,000, communications services over \$50,000, realty leasing and maintenance services over \$60,000, and architectural and engineering consulting requirements over \$72,600. Suppliers can browse the MERX Web site for the NPPs posted there. However, to download or be sent the actual requests for proposal (RFP) or invitations to tender (ITT) with the details of these requirements, suppliers must subscribe to MERX. Subscribers pay monthly fees as well as a specific fee for each RFP or ITT provided to them. MERX subscribers also have an increased range of

information available, including, for instance, access to information about who has requested the bid solicitation documents and therefore may be bidding on the requirement.

In some parts of the country, particularly in the more remote areas, newspaper advertising is often used to make potential suppliers aware of bidding opportunities. Depending on the value of the requirement, newspaper advertisements may be supplemented by advertising on MERX or by inviting bids through source lists. For more information, suppliers should go to the MERX Web site or call MERX at 1-800-964-6379.

Government requirements may also be advertised in

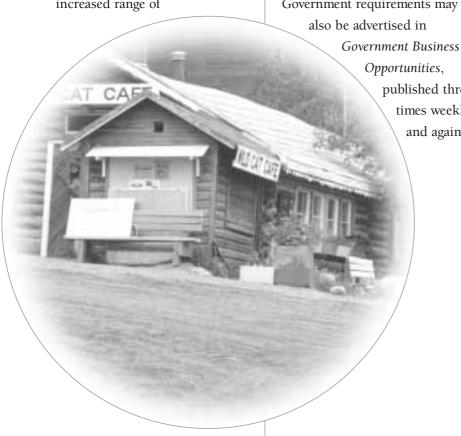


available through a paid subscription. However, this publication lists only those requirements which are subject to Canada's international trade agreements such as the North American Free Trade Agreement (NAFTA) and the World Trade Organization - Agreement on Government Procurement (WTO-AGP). Appendix D contains a table with procurement thresholds for Canada's international trade agreements.

Letters of interest (LOI) notices may be published in newspapers or on MERX by some departments and agencies to find out if suppliers are interested in a particular government requirement or are capable of doing a particular job. The LOI may also be used to notify Aboriginal suppliers of contracting opportunities with the potential to be set aside, but where the interest or capability is not known. Opportunities identified to be set aside in this manner will be opened to all bidders if no Aboriginal suppliers respond to the LOI.

METHODS OF BID SOLICITATION

Bids may be solicited in a number of ways, including over the telephone or as a written



Request for Quote, an Invitation to Tender or a Request For Proposal. **Telephone solicitation** is generally used for competitive or noncompetitive requirements of a low dollar value, generally less than \$5000. Usually source lists are employed to identify bidders for these requirements, and a contract award is based on both the bidder meeting all the stated requirements and having the lowest price.

A request for quotation

(RFQ) is most frequently used for low dollar-value requirements (usually under \$25,000), when the commodity is well defined and the bid evaluation depends on a supplier meeting all the mandatory requirements and on the price.

An invitation to tender

(ITT) solicits bids when there is more than one qualified source, when the requirement is well defined, when tenders can be submitted on a common pricing basis and when the lowest priced bid will be accepted without negotiation. Mostly, an ITT is used for off-the-shelf goods and construction requirements.

A request for proposal

(RFP) is used when an invitation to tender will not work. This includes situations when only one source is solicited, when negotiations will be required, when the requirement cannot be precisely defined or when price is not the sole basis of selection.

Contracts resulting from an RFP are generally awarded by a combination of price and other evaluation criteria outlined in detail in the RFP.

A request for standing

offer (RFSO) is used to solicit bids for standing offers. As noted earlier, standing offers are used to have suppliers make their goods or services available to the government at specified prices for a specified period of time, without an obligation by government to buy any of the offered products.

PARTS OF THE BID SOLICITATION

A bid solicitation document may contain many elements depending on the requirements. Usually there are three main components: instructions to bidders, terms and conditions, and statements of work or specifications.

The **instructions to bidders** section advises potential bidders of specific requirements of the proposals to be submitted and how the bids will be evaluated.

The **terms and conditions** part of the solicitation outlines specific instructions, terms and conditions which must be accepted by the bidder and will be incorporated into any

Statements of work occur in services solicitations and describe in detail the work to be performed. On the other hand, **specifications** are found in goods contracts and describe the goods being purchased in detail.

READING BID SOLICITATIONS

resulting contract.

Preparing a proposal for a government requirement is both demanding and time consuming. Before deciding whether or not to invest the time and effort in preparing a bid on a requirement, suppliers should read the bid solicitation document very carefully.

There are a number of things that prospective bidders should look for in these documents. First, they should examine the requirement, either the **statement of work** or the **specification**, and determine whether they can satisfy the requirement.

Second, prospective suppliers must determine whether there are any **mandatory requirements** they must meet. Mandatory

requirements often refer to parameters of the work, or to the experience and qualifications of the bidder. Suppliers that cannot meet a mandatory requirement will not be considered for a contract under any circumstance and therefore should not waste time or resources on preparing a bid.

Third, suppliers must examine the **rated evaluation criteria** to be sure they can prepare a strong bid which will score high enough to be competitive for a contract award. Bidders need to assess themselves critically against these rated evaluation criteria so as to estimate their competitors' scores as well.

The market for federal government contracts is very competitive. Suppliers should realistically evaluate their potential against both the statement of work and the mandatory and rated evaluation criteria to be sure that their resources are used primarily on competitive bids with the likelihood of winning a contract.

OTHER METHODS OF FINDING OPPORTUNITIES

Although potential new suppliers for government requirements usually focus on prime contracting opportunities, they should also be aware of the business possibilities in **joint ventures**, **partnerships** and **sub-contracts**. With a joint venture or sub-contract, suppliers may be able to find out more about government requirements which will, in turn, help them bid for their own contracts in the future.

One of the best ways to find a joint venture partner or a sub-contracting opportunity is by using MERX to identify other firms which have ordered bid solicitation documents for requirements of interest to the supplier.

Another way to find potential sub-contracting opportunities is to contact the principals of firms that have been awarded contracts following advertisments on MERX or by checking the contract history pages on the Contracts Canada Web site.

Suppliers may consider subscribing to a **bid** matching service. This service takes key search words provided by a supplier and uses these to find appropriate bidding opportunities, usually on MERX. It allows suppliers to spend less time searching for pertinent opportunities and gives them more time for revenue-generating activities. Bid matching services are available directly from MERX, or through a number of businesses or organizations, some of which are oriented to Aboriginal requirements.

6 Writing Proposals

he ability to write effective proposals is a valuable business skill. In general, there are two types: a response to a request for proposal, an invitation to tender or other bid solicitation document, and a submission of an idea for work which has not been solicited. The first kind of proposal is designed to win the contract by writing the best proposal in a competitive situation or to deal with all the required elements in a noncompetitive solicitation. While the format and content of an unsolicited proposal are flexible, the response to a formal solicitation must compete with all the other potential suppliers. This means that responses to these formal documents must clearly and effectively address all the areas covered in the solicitation document.

Writing effective proposals is complex, exact and time consuming. When writing these documents, suppliers must:

- propose their solution clearly and completely;
- cover, in detail, all aspects of the bid solicitation:

- give detailed information on their experience and qualifications as requested;
- complete and sign all requested certifications;
- price their product realistically and competitively; and
- be sure that bids are received on time, at the place and in the method specified in the solicitation.

PROPOSALS RESPONDING TO A SOLICITATION OF BIDS

Generally speaking, a proposal which has been solicited allows writers less flexibility in format and content than an unsolicited proposal. An RFP usually contains full details concerning the required services, the terms and conditions that will apply to the work and how the proposals submitted in response will be evaluated. Proposal writers should follow the format or set up of the RFP — including the titles and numbers of paragraphs — to outline and organize their bid document.

UNSOLICITED PROPOSALS

An unsolicited proposal is essentially a written submission to an organization outlining a need that the supplier perceives and showing how the proposed solution can fill this need or solve



the suspected problem. Proposals of this nature can be much less rigid in format because they are not being evaluated so strictly against other proposals, unlike those responding to a solicitation process. Nevertheless, even unsolicited proposals should contain all the information required to enable the recipient to assess the proposal properly. So, these proposals can still be set up much the same way as solicited proposals.

ESSENTIAL ELEMENTS IN A PROPOSAL

Most proposals, whether solicited or unsolicited, more or less follow a standard format which presents the information the reader needs to assess the bid properly. Generally, these elements, in one form or another, appear in most bids: introduction, understanding the requirements, the proposed work, methodology, timing, knowledge and experience of the firm, knowledge and experience of proposed personnel — which constitute the technical proposal — and costing — the financial proposal.

The **introduction** provides an overview of the proposal. Its purpose is to get the reader's interest and attention. It should be kept short and to the point.

The **understanding the requirement** section, in both
solicited and unsolicited bids,
allows writers to demonstrate to
the reader that the problem or
requirement, and its causes, are
clearly understood. Here the
proposal writers must confirm
their perception of both the scope
and depth of the problem area.

In the section covering the **proposed work**, writers must outline what they propose to do and show how this will be

an effective and beneficial solution to the perceived problem or requirement.

The **methodology** section breaks down in detail how the proposed work will be accomplished. It demonstrates not only knowledge of the work to be done, but also tells the reader, clearly, the effort the supplier will use, both in work to be done and resources committed.

The all-important section on **timing** estimates when the work will be completed. Normally, this includes a detailed schedule, specifying important phases or milestones in the work as outlined in the methodology section. In a proposal, the writers usually mark these phases not only as work milestones, but also as payment milestones. Defining these performance milestones makes it easier to tie them to partial payment for the work as it is completed.

The section discussing the knowledge and experience of the firm

demonstrates the qualifications, knowledge and experience of the firm and relates them to the required work to confirm that the business, or supplier, has the experience, knowledge and ability to deliver the proposed work. Usually this section also

includes examples of similar work the supplier has done for comparable requirements.

In the section concerning knowledge and experience of propo

experience of proposed personnel, suppliers provide thumbnail sketches of the people who will fulfil the project or requirement, and clearly demonstrate how their experience and qualifications enable them to carry out the proposed work effectively and efficiently. Most proposals include sketches of all the major players on the supplier's project team. More detailed résumés or curricula vitae (CVs) for all team members are usually provided in an appendix or as supporting documents.

Costing is usually a major component of any proposal. Rather than a single, total cost for the proposal, the cost (or financial) proposal generally includes a complete and detailed breakdown of all the costs associated with the proposal, including team members' involvement in time and applicable rates for their services, and the cost of material, equipment rental, travel, etc. This itemized information about incurred costs helps substantiate the prices for the work.

Proposals normally include a **covering letter**. A well-written letter not only introduces the proposal, but also gives suppliers another chance to outline their capabilities and to make the connection to previous work they may have performed for the same organization in the past.

Contracts Canada schedules free seminars across Canada on "Writing an Effective Proposal." These are highly recommended for suppliers wanting to bid on government requirements. More information can be obtained from Contracts Canada by telephone or at its Web site (see Appendix E).

In addition to these free seminars, there are often other reasonably priced seminars available in major Canadian cities. And there is an extensive variety of information, most of it free and available on the Internet, on writing proposals and responding to bid solicitation documents.

The quality and completeness of the proposal actually determine whether a contract will be awarded, and not necessarily the qualifications or capabilities of the supplier writing it. Particularly in competitive situations, the contract is awarded according to what is contained in

the proposal document, because only the information in that document is considered in the evaluation process. Thus, for important contracts or if suppliers have never written a proposal before, they may want to hire a professional to organize, co-ordinate or write the proposal. Usually after they see how focused and exact a bid document needs to be to meet all the requirements and be awarded a contract on a competitive basis, suppliers will find it is much easier to write one.

Because writing winning proposals is such a challenge, few firms can consistently write bids which are considered to deliver the best value to government. For this reason, suppliers should learn from the bids they submit. The best way to find out what was right and what was wrong in a bid is to ask the contracting authority for a debriefing. Although it can be done by telephone for low dollar-value requirements, meeting the contracting authority may be more appropriate for higher dollar requirements.

The debriefing is intended to help suppliers discover the strengths and weaknesses of their bid, not for them to complain about not getting the contract. If contracting personnel are approached in an open, non-threatening manner, they usually provide effective feedback because it will help them to get better bids on future requirements. Contracting personnel will only provide details about the supplier's bid, its strengths and weaknesses and how it was scored at a debriefing. They will not give out information about the winning bid, or any other bid. For more information on debriefing, see Section 8, under Meetings and Debriefings.

7

Bid Evaluation

here are a number of different selection methods used in government contracting, some common, others less so. In general, the procedures are selected for each requirement to ensure best value to the Crown.

Best value balances the importance of the technical value of a proposal with the cost of that technical solution.

Usually, best value is expressed in one of the following three ways:

- best value relative to the technical value of a proposal;
- best value relevant to the price value of a proposal; and,
- best value relevant to the optimal value in terms of price, time and technical merit.

The bid solicitation documents normally set out in detail how the bids are to be evaluated. Usually, evaluations are classified in the following ways:

 selection on the basis of lowest-priced, responsive proposal;

- selection on the basis of the lowest, responsive, cost-per-point proposal;
- selection on the basis of the highest, responsive, combined rating of technical merit and price;
- selection on the basis of the highest-rated, responsive proposal within a stipulated maximum budget; and
- variations or combinations of the above methods.

LOWEST-PRICED RESPONSIVE PROPOSAL

Selecting a contractor using the lowest-priced, responsive proposal is a common and simple method. It is used for most goods requirements and for simpler services ones which have a limited number of straightforward technical approaches to the problem.

When the lowest-priced, responsive bid is to be selected for contract, the bidder must first of all meet or exceed all the mandatory requirements in the solicitation document, and then meet or exceed the stated "pass mark" (or marks) for the point-rated requirements (or rated evaluation criteria, as discussed in Section 5, under Reading Bid

Solicitations). Suppliers that do not meet the mandatory requirements are dropped from the bid evaluation process because they are considered to be "non-responsive" in that they have not demonstrated that they meet these mandatory requirements. This is an important point, because it is not enough for suppliers merely to meet the requirements but they must demonstrate that they clearly meet all the requirements.

If a contract is awarded to the lowest price, that bidder has met all the mandatory requirements specified in the solicitation document and provided the lowest price.

LOWEST RESPONSIVE Cost-per-Point Proposal

A variation on selecting on the lowest price is to base the selection on the lowest cost per point. Here, a bidder's price is divided by the total of the points collected in the evaluation process, and the bidder with the lowest price per point is awarded the contract.

This method balances the technical strength of a proposal with its cost. One shortcoming here, however, is that it entices bidders to develop high-quality

proposals with great technical merit, which actually may increase the total price as the technical merit rises. So, the contracting authority may give the bidders a cost range for the work or even a maximum cost, to help bidders choose the level of effort they are expected to use on the project.

The cost-per-point method is often used for medium- to high-complexity requirements when technical solutions are quite extensive and there seems to be no obvious outcome. In these cases, the price-per-point method makes it easier to evaluate a bidder's approach by balancing, more or less equally, price and technical merit.

There are also some variations in this evaluation method which are used when the contracting authority wants both more emphasis on the technical solution and a solution with high technical merit. The most common way is to choose the contractor based on price per point, but only to consider those proposals ranking within 10 percent of the highest rated technical proposal.

HIGHEST RESPONSIVE COMBINED RATING OF TECHNICAL MERIT AND PRICE

This method allows the contracting authority to decide whether price or technical merit is more important and, then, to base its evaluation on the relative importance of those two aspects. Here, either price or technical merit can be given more importance in the bid evaluation process. The ratio of technical points to price points is adjusted to give best value to the Crown.

It is important to understand how price is usually rated in this method of evaluation. Usually, full marks go to the lowest-priced, responsive proposal. Then other bidders are awarded their marks for price in relation to this lowest priced one.

As with some of the other methods, the contracting authority may specify a budget range, or a maximum budget, to help bidders determine the amount of effort required to be selected for the project.

Table 1. Example of Best Value DeterminationHighest combined rating based 70% on technical merit and 30% on price

	BIDDER 1	BIDDER 2	BIDDER 3
Technical Evaluation	92	85	80
Price	\$50,000	\$45,000	\$40,000

POINT DETERMINATION	Technical Points	PRICE POINTS	TOTAL POINTS
Bidder 1	$\frac{92}{92}$ X 70 = 70.00	$\frac{40}{50}$ X 30 = 24.00	94
Bidder 2	$\frac{85}{92}$ X 70 = 64.67	$\frac{40}{45}$ X 30 = 26.66	91.33
Bidder 3	$\frac{80}{92}$ X 70 = 60.86	$\frac{40}{40}$ X 30 = 30.00	90.86

Note: In this evaluation, the points have been weighted 70:30 for technical points and cost points. The winner is Bidder No. 1 which has the highest combined technical and rated price score.

HIGHEST-RATED RESPONSIVE PROPOSAL WITHIN A STIPULATED MAXIMUM BUDGET

In this method, the contracting authority sets a maximum budget. Contracts will not be awarded for any price higher than this, so bids with higher prices will not even be considered. But prospective bidders should also note that there may well be no advantage to bidding lower than the maximum price, as the contract award will be based on the highest score within the stipulated budget.

Normally, this method of selection is used in such cases as scientific work, where the contracting authority wants the most it can get for the available dollars, and selection of a supplier will depend on many things in addition to price.

A variation on this is to select the highest-rated, responsive proposal within a stipulated maximum budget. For example, a contract could go to the highest-rated bidder of those scoring within 10 percent of the highest-rated technical score, whose price is also at least 10 percent lower than that of the bidder with the highest technical score.



ANALYSIS OF BID SELECTION METHODS

The way bids are evaluated has a significant impact on how suppliers should structure their bids, for both the technical and financial parts of the proposal. Bidders should check the evaluation method very carefully to determine the level of effort and complexity required for their bids as well as the appropriate price. Suppliers should analyze these factors realistically to determine whether or not to write a competitive bid, or to pass on it.

ABORIGINAL EVALUATION CRITERIA

Aboriginal evaluation criteria may be used in a procurement when a requirement is set aside, or when it is not set aside but is not subject to the international trade agreements. Sometimes this happens if there is not enough competition among Aboriginal suppliers or when there are no Aboriginal suppliers at all for the requirement. In these cases, the contracting authority may decide to include Aboriginal economic development, such as subcontracting plans, in the evaluation criteria. From time to time, a contracting authority may also use Aboriginal evaluation criteria in a selected set-aside

procurement to ensure that it has the maximum potential for Aboriginal benefits.

Requiring Aboriginal subcontracting encourages non-Aboriginal suppliers to set up partnerships with Aboriginal firms which are developing the capability or capacity for similar requirements on their own. Point-rated bid evaluation criteria which may be used in these circumstances include the following:

- methodologies and strategies maximizing Aboriginal involvement in the work;
- methodologies and strategies using Aboriginal suppliers to provide administrative support for the project;
- methodologies providing training opportunities for Aboriginal persons; and
- existing business networks with Aboriginal entities.

Although some departments and agencies have been adding Aboriginal evaluation criteria to their procurement calls, this is a change in direction. Procurement officials in departments and agencies has always tried to create a fair and level playing field for all

suppliers. Aboriginal evaluation criteria give advantages, real or perceived, to Aboriginal suppliers and those who use Aboriginal sub-contractors. The result is that the acceptance of Aboriginal evaluation criteria in departments is still somewhat low.

However, INAC has been encouraging departments to show their openness to Aboriginal suppliers by including such statements such as "this department encourages Aboriginal suppliers or suppliers with Aboriginal re-sellers to present an offer." While this does not give a direct advantage to Aboriginal suppliers, it may help them, particularly in the case of awards of multiple standing offers. At the very least, it suggests increased openness to, and acceptance of, Aboriginal suppliers by departments and agencies.

ABORIGINAL BENEFITS BID EVALUATION

Major government procurements are reviewed before bids are solicited to determine any socioeconomic benefits for the proposed contract. These benefits refer not only to regional ones but also to Aboriginal benefits. Procurements reviewed in this way include such things as Major Crown Projects (MCP) which are

usually valued in excess of \$100 million and those reviewed by the Procurement Review Committee (PRC) which are usually valued from \$2 million to \$100 million.

If a formal review suggests that significant benefits, either regional or Aboriginal, can come from the required goods or services, evaluation criteria may be added to compel bidders to demonstrate how their proposal will provide these benefits. Once these criteria are written into the RFP or ITT, bidders would be wise to bear the criteria in mind when proposing solutions, to ensure their bids receive the maximum evaluation points.

Recourse for Suppliers

uppliers who bid on a procurement are entitled to know who was awarded a contract for requirements on which they bid. The contracting authority routinely informs bidders what happened in a contracting process.

From time to time, suppliers may be unhappy with a solicitation or contracting process in a government department or agency, or they may not understand a process or a policy. There are many ways suppliers can get information concerning the contracting process, either in general or for a specific procurement. Because the government contracting process is built on the principles of fairness, equity and transparency, it is usually fairly easy to obtain such information or an explanation to help them understand a process or a decision.

MEETINGS AND DEBRIEFINGS

If suppliers do not understand something in the procurement process, the first thing that they should do is to ask the contracting officer for clarification or for more information. Usually, this can be done by telephone, but sometimes a face-to-face

meeting is better, especially in those cases where suppliers want a debriefing on a bid they submitted but were not awarded. The face-to-face meeting allows suppliers to discuss the bidding process in a relaxed, open and non-hostile environment. As already mentioned, this not only helps suppliers understand why a bid was not awarded a contract (by highlighting strengths and weaknesses) but also gives suppliers an opportunity to meet contracting officers. As well, it makes suppliers more aware of other potential, related requirements for the future. And the contracting officers can learn more about suppliers' capacities and capabilities, thus leading to invitations to bid on future requirements.

If a telephone discussion or face-to-face meeting does not resolve any real or perceived differences to a supplier's satisfaction, there are other ways to seek recourse. Some of these avenues are described below.

PSAB Issues

If suppliers think the issue concerns the application or interpretation of the Procurement Strategy for Aboriginal Business, they should contact their regional PSAB co-ordinator. INAC's Web site has an updated list (see Appendix E). These co-ordinators, with addresses, phone and fax

numbers and e-mail addresses are listed in Appendix B of this publication. Usually the coordinators can explain a PSAB-related policy, procedure or requirement in more detail. They may also be able to act as an advocate for suppliers if they are having difficulty dealing with a particular department or agency.

GETTING PAID

Government policy requires suppliers to be paid on time, meaning that suppliers will be paid within 30 days after their invoice is received. If the government is at fault for non-payment within 30 days, it will pay interest on money owed to suppliers, starting 30 days from the receipt of the invoice.

Suppliers who have not been paid after 30 days should put a trace on the overdue payment. The best place to begin is with the client to whom the goods or services were delivered.

ACCESS TO INFORMATION

Occasionally, suppliers, for one reason or another, do not get the information which they believe they should. In these cases, suppliers may be able to get this information under the *Access to Information Act* and the *Privacy Act*. Departments and agencies

have co-ordinators to provide the public with records and information which they request. For more details, suppliers or individuals who want this information should contact the access to information and privacy (ATIP) unit in the agency or department concerned.

CANADIAN International Trade Tribunal

For procurement which comes under the various trade agreements (NAFTA, WTO-AGP and AIT), the Canadian International Trade Tribunal (CITT) is designated as the bid challenge authority. Suppliers can take their complaints about a procurement process to this independent and impartial review authority at any stage in the procurement cycle.

The CITT has several options in its rulings if a supplier's complaint is considered valid. Among others, it can recommend:

- canceling a contract and awarding it to the complainant;
- awarding the complainant reasonable costs for the bid preparation;
- developing a joint proposal for compensation; and

issuing another solicitation for the requirement rather than using contract options to extend the contract.

Suppliers can visit the CITT Web site (http://www.citt.gc.ca/menu_e.htm) to review cases the Tribunal has considered and the judgments it made. The record of decisions makes it clear that it is indeed impartial and independent.

CONTRACT CLAIMS RESOLUTION BOARD

For procurement handled by PWGSC, the Contract Claims Resolution Board (CCRB) is the appeal or review agency for disputes and claims resulting from PWGSC contracts, except for actual bid challenges which the CITT has responsibility for, as described above.

The CCRB administers two bodies which resolve disputes: the Contracts Settlement Board (CSB) and the Contract Disputes Advisory Board (CDAB).

The CSB is an independent review body that settles disputes concerning extra cost claims on contracts.

These claims are referred to the CSB by contractors who have goods or service contracts with PWGSC. The board also handles contractors' claims in contracts

that have been terminated by PWGSC or by the United States government through contracts with the Canadian Commercial Corporation (CCC).

The CDAB is an independent review board providing alternate dispute resolution services (non-binding arbitration) for disputes based on contracts. Generally, this process is used for construction contracts or for contracts with consultants. The CDABs may be convened by the Minister responsible for PWGSC following a request from a contractor.

LITIGATION

If all these attempts fail to provide recourse, suppliers always have the option of using the courts.



9

Marketing to Government

Ithough most major bidding opportunities are advertised publically on MERX and in newspapers, many smaller ones are filled using source lists maintained by individual departments and agencies. Thus it is important that suppliers inform the Responsibility Centre Managers (RCMs), contracting personnel and other potential buyers of goods or services in their regions of their capabilities and capacities. Marketing goods or services to government buyers is little different from marketing these commodities to any other potential buyer. While this may be difficult, it can be critical to the success of a business. As with any marketing plan or process, suppliers should consider some of these steps: research the market, learn the basics, prepare their business, market the product and follow up.

RESEARCH THE MARKET

Suppliers who want to sell their goods or services to government buyers must first do some basic

research on that marketplace. This helps them determine which government department or agency in their area is a potential buyer of their commodities. It also enables suppliers to develop a professional marketing presentation focused on the buyers' needs and the suppliers' products.

As stated earlier in this publication, there are three primary sources of information concerning the goods and services purchased by government departments and agencies, including:

- the departments and agencies themselves;
- the Contracts Canada data base; and
- MERX.

While knowing the history of previous department and agency purchasing will not necessarily guarantee similar purchases in the foreseeable future, suppliers may be able to find patterns in organizational buying and get an idea of the scope of these purchases. At the very least, this review of previous purchases may show that some of these organizations have little or no need of the suppliers' commodities, thus saving them time and effort in marketing their goods or services

to that organization.

LEARN THE BASICS

Suppliers can approach government RCMs and contracting officers without knowing how government buys its commodities or how the contracting process works. However, this means that suppliers would likely waste valuable marketing time in acquiring the basics. It is much better to learn these basics beforehand and then spend the time with the RCM or contracting officer discussing the products and their applicability to the requirements of the department or agency.

Contracts Canada has developed some seminars for suppliers to assist in the process of learning to do business with the federal government and marketing their products or services to government. These are entitled "How To Do Business with the Federal Government – The Basics" and "Selling Services." Suppliers can get more information from the Contracts Canada Web site (http://contractscanada.gc.ca/en/sem-e.htm) or by calling, toll free, 1-800-811-1148.

Suppliers need to understand all aspects of the department or agency to which they want to

market their commodities — either by studying publications like this one or through such seminars as described above.
Suppliers should be familiar with:

- the department's organization and structure;
- its processes and procedures;
- who in the organization buys the commodities;
- the terminology commonly used;
- the commodities regularly purchased; and
- the standards, specifications and purchase descriptions used.

PREPARE THE BUSINESS

Before tackling the complex and competitive government marketplace, potential government suppliers must ensure that they are well prepared to do business with government departments and agencies.

Although often overlooked, an important part of getting ready to sell to a market is to develop a comprehensive business plan, including a marketing plan. This will force entrepreneurs to deal with important questions concerning the status, goals and

development of the business. While business owners may intuitively know the answers to many of these questions, committing this information to paper will help them discuss aspects of the business with investors, bankers and clients as well as to focus their marketing efforts.

To be effective in marketing to government departments and agencies, a business should be visible. Ideally, this would include a track record of sales to nongovernment entities, some of which might be used as references for other potential buyers. Suppliers can market to government without established sales records, but getting into the government marketplace without a history of previous sales may be difficult, as for any new supplier trying to penetrate any market. At the very least, the business must appear to be a business, which means at a minimum, it should have stationery and business cards, preferably with a business address, phone and fax numbers or perhaps a Web site.

Promotional materials describing the suppliers' goods or services, or basic information on the company, its goods or services, objectives, credentials, capacities and current clients, are very effective ways to leave something tangible with potential clients.

Future suppliers to government should also realize that, in most of Canada, the government operates in a bilingual manner. Because the government is committed to providing service in both official languages, suppliers do not need to be bilingual. However, it is a good idea to have promotional material in both official languages. If nothing else, it demonstrates that the supplier is truly ready to market to the federal government.

For some government contracts or standing offers, suppliers and their employees need government clearance for security or reliability. Contracts requiring access to classified material, usually require the supplier to have security clearance as well.

Although suppliers can begin the process for security clearances at the time of contracting, it is better to have some of these clearances before they bid on a contract. At the very least, if security or reliability clearances are in place, marketing goods or services to departments or agencies is easier.

More information concerning the various levels of clearance is available from the Industrial Security Directorate of the PWGSC at (819) 956-3681.

REGISTER ON SUPPLIER INVENTORIES

New suppliers can register on supplier inventories before they actually start to market their goods or services to government departments and agencies.



Registration on these government data bases ensures suppliers time spent with departmental staff will focus on departmental needs and supplier capabilities rather than on the mechanics of the procurement process. Although there are a number of these supplier data bases, the most important ones are considered to be the Contracts Canada data base and the Industry Canada Strategis Aboriginal Business Directory (see Appendix E).

The Contracts Canada Supplier Registration Information (SRI) system lists potential suppliers for government requirements. It is accessible to buyers and contracting personnel in all departments and agencies. Suppliers may register on this data base through the Internet (see Appendix E).

As previously stated, the Strategis Aboriginal Business Directory is a data base of Aboriginal suppliers accessible to buyers in all government departments and agencies, as well as to others seeking Aboriginal suppliers. Suppliers may register on this data base through the Internet (see Appendix E) or by calling 1-800-328-6189.

MARKET THE PRODUCT

A business that is properly prepared can now begin to market its goods or services to government.

The first step is to identify the key players for the supplier's commodities in a department or agency. Depending on the commodity being marketed, these may be the Responsibility Centre Managers or their program personnel, or the material management or contracting staff. Once the players in a department or agency have been identified,

suppliers can call these individuals to arrange for an appointment to market their business.

New suppliers should call on the contracting and material management personnel in a department initially, then perhaps on a yearly basis. This allows them to get more information about a department, the way it does business and on upcoming opportunities, as well as to familiarize the department or agency with the firm and its products. It also enables suppliers to register on any departmental source lists.

DOS AND DON'TS

As with any business environment, government offices have their own culture. The following dos and don'ts may provide a guide to that culture.

Do:

- be professional;
- know the purpose of the visit;
- make an appointment;
- be on time;
- dress appropriately;
- remember that this is marketing . . . not selling;
- make an oral presentation concerning the company and its products;

- prepare questions to ask; and
- have calling cards and other promotional material, if appropriate.

Don't:

- assume everyone is familiar with the PSAB;
- complain about the volume of business someone else receives:
- expect special treatment;
- try to make a sale; and
- be afraid to ask lots of questions.

During the initial marketing efforts, suppliers may find it useful to invite the RCM to their plant or office for a familiarization visit. This will help make the RCMs more comfortable in dealing with a supplier with whom they are not familiar and may even facilitate future business.

FOLLOW UP

After an initial marketing visit on a potential government client, suppliers should follow up on the contact made. Generally, follow-up activities fall into two categories: short term and long term. In the short term, suppliers should write a letter to people in the organization with whom they met. The follow-up letter should thank the individual for the meeting, confirm that any action suggested by the official has been initiated and include any requested material. The follow-up letter also gives suppliers another chance to draw attention to their firm, to create a professional image and to provide the potential buyer with appropriate follow-up material.

Long-term follow-up activities include regular contact with departmental personnel to reinforce the impression created by the initial meeting. Normally this is done by telephone to save time and effort for both parties. However, it is not unusual for suppliers to request follow-up meetings with program or contracting staff. Usually, as mentioned earlier, follow-up meetings take place annually.

OTHER MARKETING TECHNIQUES

Although it is useful to focus initial efforts on the RCM and contracting personnel, some suppliers may have a commodity with a much broader potential client base. Suppliers can approach the material managers in a department to ask for space

in a building lobby or central area where they could set up for a day to demonstrate their product to a broad base of potential clients in the department or agency.

In some cases, depending on the goods or services provided, the federal market for the commodities may not be physically near the supplier. For instance, a firm could provide services that, rather than being bought in a decentralized fashion in the regions, are purchased centrally in Ottawa. Obviously, this makes marketing more difficult and expensive for firms located in the regions. Here, suppliers may want to consider other marketing options such as:

- focused mailings or e-mails to market to a potential client;
- forming marketing alliances with suppliers located centrally or regionally (the cental firm would market centrally for both suppliers, and vice versa); and
- using INAC PSAB

 co-ordinators in the region

 as a conduit to make

 co-ordinators in the other

 regions, as well as

 headquarters staff, aware

 of the suppliers' capabilities

 or capacities.

APPENDIX A

Commonly Asked PSAB Questions

- **Q.** Is the Procurement Strategy for Aboriginal Business only an INAC policy?
- **A.** No. The PSAB is a Government of Canada policy, not an INAC policy. It applies to all departments and agencies of the Government of Canada.
- **Q.** What is the set-aside program for Aboriginal business?
- A. There is no program formally known as the set-aside program for Aboriginal business.

 Set-asides are one component of the PSAB, along with many others such as supplier development activities and departmental performance objectives.
- **Q.** How much funding is available through the PSAB to assist in the development of Aboriginal businesses?
- A. None. Although the PSAB helps to develop Aboriginal businesses by giving them tools which will help them to compete for government contracts, it does not provide funding for these businesses. Certain types of funding may be available from other government departments or agencies such as Aboriginal Business Canada (ABC).

- **Q.** Does setting aside a requirement mean that it will be sole sourced, that is, that only one supplier will be given a chance at the contract?
- A. No. Setting aside a requirement means only that the area of competition for the requirement is restricted to Aboriginal suppliers. There is still a need for the government to obtain value for money. In addition, all other procurement policies and guidelines, such as the necessity to source competitively above certain thresholds, continue to apply.

Although contracts valued at less than \$25,000 may be sole sourced to an Aboriginal business by way of a set-aside, contracts valued at more than \$25,000 are subject to the Government Contract Regulations (GCR) which state that sole source contracts can only be used in certain circumstances. Thus, there is usually competition for contracts valued over \$25,000. In cases where the requirement is set aside, Aboriginal suppliers will compete for the requirement.

Q. Does a standing offer mean that I will receive call-ups to the maximum value of the standing offer?

- **A.** A standing offer does not mean that a supplier will receive any call-ups at all. A standing offer only makes it easier to conduct business between a supplier and the government. Suppliers with standing offers still need to market themselves to potential government buyers who are eligible to use the standing offer.
- **Q.** Are set-aside contracts under the PSAB excluded from the Federal Government Employment Equity program?
- **A.** No. The act of setting aside a requirement means only the international trade agreements such as the North American Free Trade Agreement (NAFTA) and the World Trade Organization – Agreement on Government Procurement (WTO-AGP) do not apply to the requirement. All other policies, regulations and procedures such as the Government Contract Regulations (GCR) and the Federal Government Employment Equity Program continue to apply to contracts which have been set aside.
- **Q.** If a procurement is set aside for Aboriginal business, can it then be contracted only with Aboriginal business?

- A. Normally when a requirement is set aside, it will be contracted with an Aboriginal business. However, the requirement to obtain value for money continues to apply. As well, if no Aboriginal supplier can supply goods or services of the quality required or if value for money cannot be obtained, the area of competition will be opened to all suppliers, not just Aboriginal suppliers.
- **Q.** Is there a requirement for one third of the content of the work of set-aside contracts to be Aboriginal?
- Aboriginal content in the work applies only to set-aside contracts which involve sub-contracting. In these cases, one third of the value of the work in a set-aside contract must be performed by an Aboriginal business. Value of the work is defined as the total value of the contract less any materials directly purchased by the contractor for performance of the contract.

If there is no sub-contracting in a contract, the Aboriginal content of the work is assured by Aboriginal ownership and control of the business as well as by the requirement for a third of the employees to be Aboriginal people (if there are more than five employees).

- **Q.** I am listed on Strategis Aboriginal Business Directory (ABD). Does this mean that contracting personnel from INAC and other departments and agencies will contact me with bidding opportunities?
- **A.** Being listed on the ABD does not necessarily mean that suppliers will be contacted by procurement personnel. Many opportunities are published in various media rather than sourced through supplier inventories. Even if a requirement is met using source lists, the ABD may not be used unless the buyers lack enough potential bidders on their own source list. So it is very important for suppliers to market themselves to those departments and agencies which routinely purchase the goods or services they sell.
- **Q.** Is the bidding on a contracting opportunity which has been set aside under the PSAB and which serves a particular reserve or land claim settlement area, restricted to Aboriginal suppliers from that reserve or land claim area?
- **A.** No. Any Aboriginal business may bid on any PSAB set-aside contract opportunity.
- **Q.** Is there an upper or lower dollar value limit for set-asides?

- **A.** No. There is no upper or lower limit. Any procurement, large or small, may be set aside under the PSAB.
- **Q.** Are all departments required to set aside three percent of their contracts for Aboriginal business?
- **A.** No department is required to set aside three percent of its contracts for Aboriginal business. Departmental performance objectives, with respect to the PSAB, are established individually for each department or agency. Some departments, depending on the supply sector for the majority of its procurement, have performance objectives less than three percent of their budget. Other departments, such as INAC, have opportunities to contract significantly more than three percent with Aboriginal business and therefore have performance objectives which are substantially higher.
- **Q.** Once I register on the Strategis Aboriginal Business Directory as an Aboriginal business, must I maintain my Aboriginal business status to be eligible for government contracts?
- A. The requirement to be an Aboriginal business and meet the PSAB requirements applies only to those contracting opportunities which are set aside for Aboriginal

business. Thus, there is no requirement for certification, or potential to be audited, for any requirement other than those which have been set aside.

However, departments can use all contracts with Aboriginal businesses to determine their contracting volume with Aboriginal business and count this toward their performance objectives.

- **Q.** Why should I sell to government?
- **A.** There are many reasons to sell to government, including these:
- the government market is very large, and accessible in all areas of the country;
- government always pays its bills, albeit sometimes slowly;
- government is very open about what it purchases, from whom it purchases and what it pays for its goods and services;
- information on, and access to, large procurement opportunities is readily available to all potential suppliers;
- the government procurement process is both open and fair; and

 selling to government can help open other markets, such as export markets.

On the other hand, there are also some disadvantages in selling to government, including these:

- the government is a large organization and although there are central procurement cells within government, most of its procurement is decentralized either at departmental headquarters, generally in the National Capital Region, or in regional offices;
- many smaller government requirements are not advertised openly as are the larger ones and are therefore more difficult to get access to; and
- the government procurement process can be quite rigid, making preparation of bids a time-consuming and expensive task.

APPENDIX B INAC Regional PSAB Co-ordinators

INAC, National Capital Region

Access to Federal Procurement

1902-10 Wellington Street

Hull QC K1A 0H4

Phone: (819) 997-8383

Fax: (819) 994-0445

E-mail: PSABncr@inac.gc.ca

INAC, Atlantic Region

Access to Federal Procurement

P.O. Box 160 40 Havelock Street

Amherst NS B4H 3Z3

Phone: (902) 661-6350 Fax: (902) 661-6237

E-mail: PSABat@inac.gc.ca

INAC, Quebec Region

Access to Federal Procurement

P.O. Box 51127

RPO Gabrielle-Roy

320 St-Joseph Street East

Québec QC G1K 8Z7

Phone: (418) 648-4047

Fax: (418) 648-7685

E-mail: SAEAqc@inac.gc.ca

INAC, Ontario Region

Access to Federal Procurement

5th Floor

25 St. Clair Avenue East

Toronto ON M4T 1M2

Phone: (416) 973-8288

Fax: (416) 954-3189

E-mail: PSABon@inac.gc.ca

INAC, Saskatchewan Region

Access to Federal Procurement

2221 Cornwall Street

Regina SK S4P 4M2

Phone: (306) 780-6421

Fax: (306) 780-6540

E-mail: PSABsk@inac.gc.ca

INAC, Alberta Region

Access to Federal Procurement

630 Canada Place

9700 Jasper Avenue

Edmonton AB T5J 4G2

Phone: (403) 495-2773

Fax: (403) 495-4088

E-mail: PSABab@inac.gc.ca

INAC, BC Region

Access to Federal Procurement

600-1138 Melville Street

Vancouver BC V6E 4S3

Phone: (604) 666-7762

Fax: (604) 666-9812

E-mail: PSABbc@inac.gc.ca

INAC, Yukon Region

Access to Federal Procurement

345-300 Main Street

Whitehorse YT Y1A 2B5

Phone: (403) 667-3130

Fax: (403) 668-3599

E-mail: PSAByt@inac.gc.ca

INAC, Manitoba Region

Access to Federal Procurement

15th Floor

275 Portage Avenue

Winnipeg MB R3B 3A3

Phone: (204) 983-2469

Fax: (204) 983-1543

E-mail: PSABmb@inac.gc.ca

INAC, Northwest Territories Region

Access to Federal Procurement

P.O. Box 1500

Yellowknife NT X1A 2R3

Phone: (403) 669-2525 Fax: (403) 669-2700

E-mail: PSABnt@inac.gc.ca

APPENDIX C Departmental PSAB Co-ordinators

DEPARTMENT	PSAB Co-ordinator	Phone Number	E-MAIL ADDRESS
Agriculture Canada	Jim McKendry	(613) 759-6790	McKendryj@em.agr.ca
Atlantic Canada Opportunities Agency	Yvonne Devine	(506) 851-6404	ydevine@acoa-apecca.gc.ca
Auditor General of Canada	Mark Cochrane	(613) 952-0213 ext. 5370	cochramf@oag-bvg.gc.ca
Canada Customs and Revenue Agency	Ken Cierpicki	(613) 957-0182	Ken.Cierpicki@ccra-adrc.gc.ca
Canadian Centre for Management Development	Anne Josée Lécuyer	(819) 943-5657	annejose@ccmd-ccg.gc.ca
Canadian Food Inspection Agency	Donald Bilodeau	(613) 225-6080	Dbilodeau@EM.AGR.CA
Canadian Heritage	Rachelle Ayotte	(819) 953-3793	Rachelle_Ayotte@pch.gc.ca
Canadian Human Rights Commission	Claude Marengère	(613) 943-9048	claude.marengere @chrc-ccdp.ca
Canadian International Development Agency	Mark Mostovac	(819) 997-7778	mark_mostovac @acdi-cida.gc.ca
Canadian Nuclear Safety Commission	Daniel Pilon	(613) 947-3775	pilond@cnsc-ccsn.gc.ca
Canadian Security Intelligence Service	Larry Licari	(613) 842-1429	matman@smtp.gc.ca
Canadian Space Agency	Richard Simpson	(450) 926-4876	Richard.simpson@space.gc.ca
Citizenship and Immigration Canada	Michel Fréchette	(613) 954-5746	
Consulting and Audit Canada	Frank Brazeau	(613) 947-2897	frank.brazeau@cac.gc.ca
Correctional Service of Canada	Suzanne Chatel	(613) 992-7988	chatels@csc-scc.gc.ca
Department of Justice Canada	Lucie Ménard Baxter	(613) 946-1671	lmenardbaxter@justice.gc.ca
Elections Canada	Christian Fillion	(613) 998-9184	christian.fillion @electc.x400.gc.ca
Environment Canada	Rhéal Pilon	(613) 997-6808	rheal.pilon@ec.gc.ca
Finance Canada and Treasury Board of Canada	Jim Eadie	(613) 992-6650	Eadie.jim@Fin.gc.ca
Fisheries and Oceans Canada	Roméo Poirier	(613) 991-4150	PoirierR@dfo-mpo.gc.ca
Health Canada	Monica Henderson	(613) 957-8349	monica_henderson @hc-sc.gc.ca
Human Resources and Development Canada	Ginette Bélisle	(819) 994-2778	ginette.belisle @hrdc-drhc.gc.ca
Immigration and Refugee Board	Frank Pilon	(613) 994-7070	frank.pilon@rb.gc.ca
Indian and Northern Affairs Canada Winnipeg Vancouver Ottawa Maritimes Québec	Anna Fontaine David Hooper Serge Langlois Wayne McCabe Jo-Ann Gingras	(204) 983-2145 (604) 666-7762 (819) 994-6399 (902) 661-642 (418) 648-3364	

Industry Canada	Gilles Dorion	(613) 990-1908	
National Archives and National Library	Jean-Maurice Cuerrier	(613) 996-6986	jcuirrier@archives.ca
National Defence	Jim Doughty	(613) 992-5402	
National Energy Board	Bryan Labbé	(403) 299-3916	blabbe@neb.gc.ca
National Research Council	Linda Lussier	(613) 993-8739	linda.lussier@nrc.ca
Natural Resources Canada	Jean-Luc Charette	(613) 995-2911	jean-luc.charette@nrcan.gc.ca
Natural Sciences & Engineering Research Council of Canada	Pierre Henry	(613) 996-0401	pierre.henry@nserc.ca
Office of the Superintendent of Financial Institutions Canada	Denis Leroux	(613) 990-7774	dleroux@osfi-bwif.gc.ca
Privy Council Office	Alan Quinn	(613) 957-5016	aaquinn@pco-bcp.gc.ca
Public Service Commission	Carmen Lepage	(613) 992-9580	
Public Works and Government Services Canada		(819) 956-3163	
Royal Canadian Mounted Police	Shawn Duford	(613) 993-3221	shawn.duford@rcmp-grc.gc.ca
Solicitor General of Canada	Linda Stapledon	(613) 991-0311	
Statistics Canada	Josie Buckland	(613) 951-7270	
Transport Canada	Mark Whelan	(613) 998-7750	WhelanM@tc.gc.ca
Transportation Safety Board	Jean Lafrenière	(819) 994-8004	Jean.Lafreniere@tsb.gc.ca
Veterans Affairs Canada	Joy MacFarlane	(902) 566-8439	jomacfar@vac-acc.gc.c
Western Economic Diversification Canada	Ian McKay	(780) 495-4859	ian.mckay@wd.gc.ca

APPENDIX D Trade Agreement Thresholds

For Departments and Agencies				
TRADE AGREEMENT	Goods Threshold	Services Threshold	CONSTRUCTION THRESHOLD	
NAFTA				
(for Canada/US)	\$37,200	\$80,900	\$10.5M	
NAFTA				
(for Canada/Mexico)	\$80,900	\$80,900	\$10.5M	
WTO – AGP	\$261,200	\$261,200	\$10M	

For Crown Corporations				
TRADE AGREEMENT	Goods Threshold	Services Threshold	CONSTRUCTION THRESHOLD	
NAFTA	\$404,600	\$404,600	\$12.9M	

APPENDIX E Selected Web Sites and Telephone Numbers

WEB SITES

Strategis Aboriginal Business Directory

(on INAC's Web site): http://www.inac.gc.ca under the Procurement Strategy For Aboriginal Business and then Supplier Search

Aboriginal Canada Portal

http://www.aboriginalcanada.gc.ca

Canadian International Trade Tribunal Web site:

http://www.citt.gc.ca/menu_e.htm

Contracts Canada Web site:

http://contractscanada.gc.ca/ en/partne-e.htm

Contracts Canada Supplier Registration Information (SRI) system:

http://contractscanada.gc.ca/ en/regist-e.htm

Contracts Canada Web seminars:

http://contractscanada.gc.ca/en/ sem-e.htm

Contracts Canada data base:

http://csi.contractscanada.gc.ca/cs i/prod/en/applctrl.cfm?cmd=start

MERX Web site:

http://www.merx.cebra.com

Treasury Board Web site:

http://www.tbs-sct.gc.ca

Information on government departments and agencies and organizations which are not Contracts Canada partners:

http://www.canada.gc.ca/depts/ma jor/depind_e.html.

IMPORTANT TELEPHONE NUMBERS

MERX supplier information:

1-800-964-6379

Contracts Canada seminar information:

1-800-811-1148

Public Works and Government Services Canada, Industrial Security Directorate, security clearances:

(819) 956-3681

Strategis Aboriginal Business Directory:

1-800-328-6189