

## Section 7B: Issuing a Bid Solicitation

### Publicly Advertised Procurement

7B.160 (2005-12-16) Public advertising using the Government Electronic Tendering Service (GETS) is Public Works and Government Services Canada's (PWGSC) preferred notification process for competitive procurement. Procedures [5.047](#) and [5.048](#) identify when a different notification method may be considered.

GETS is the generic name of the on-line business opportunity identification and bid solicitations distribution service. MERX is the trade mark under which Mediagrif Interactive Technologies Inc. is operating GETS for the Government of Canada. MERX provides services to both the buyer and supplier community. MERX allows users (including contracting officers and suppliers) with Internet capability to view and search procurement notices at no charge and to order bid solicitations. For more information about GETS (MERX), see [7B.207](#).

GETS is the only officially designated medium for public advertising under the Agreement on Internal Trade (AIT). All Notices of Proposed Procurement (NPPs) and Advanced Contract Award Notices (ACANs) for AIT procurement must therefore be advertised on GETS (MERX). GETS (MERX) and the Government Business Opportunities (GBO) are the officially designated media under the North American Free Trade Agreement (NAFTA), and the World Trade Organization Agreement on Government Procurement (WTO-AGP). All NPPs and ACANs for NAFTA and/or WTO-AGP procurement must therefore be simultaneously advertised on both GETS and in the GBO.

### Procurement Notices

7B.180 (2004-12-10) The contracting officer is responsible for preparing all procurement notices and, in the case of selective tendering procedures, any annual notices which establish and maintain a permanent list of qualified suppliers.

7B.181 (2004-12-10) The text of the Notice of Proposed Procurement (NPP) should contain sufficient information to allow a supplier to make an informed decision on whether to download or order a bid solicitations. The notice must also indicate whether additional material will be sent separately.

7B.182 (2004-12-10) Contracting officers must indicate in the NPP which trade agreement or agreements apply, using the Agreement Type Code.

7B.183 (2004-12-10) For additional information concerning notification requirements under Procurement Strategy for Aboriginal Business' Set-Aside Program for Aboriginal Business, contracting officers should consult [9L.210](#), and for notification requirements under the Land Claims Set-Aside policy, they should consult [9M.050](#).

7B.184 (2004-12-10) Contracting officers can create and transmit NPPs to GETS (MERX) through Automated Buyer Environment (ABE). For non-ABE users, contracting officers can create an NPP directly on GETS (MERX ) by using the Notice Creation tool.

7B.185 (2004-12-10) For those contracting officers not on ABE, the following statements must be typed in manually, for all requirements, as part of the NPP:

“The Crown retains the right to negotiate with suppliers on any procurement.”

“Documents may be submitted in either official language of Canada.”

For contracting officers not on ABE, the following statements must be typed in manually, for all Advanced Contract Award Notices (ACANs):

“You are hereby notified that the government intends to negotiate with one firm only as identified above. Should you have any questions concerning this requirement, contact the contracting officer identified above.”

An ACAN allows departments and agencies to post a notice, for no less than fifteen (15) calendar days, indicating to the supplier community that it intends to award a good, service or construction contract to a pre-identified contractor. If no other supplier submits, on or before the closing date, a Statement of Capabilities that meets the requirements set out in the ACAN, the contracting authority may then proceed with the award. However, should a Statement of Capabilities be found to meet the requirements set out in the ACAN, then the contracting authority will proceed to a full tendering process. Suppliers who consider themselves fully qualified and available to provide the services/goods described herein, may submit a statement of capabilities in writing to the contact person identified in this Notice on or before the closing date of this Notice. The statement of capabilities must clearly demonstrate how the supplier meets the advertised requirements.

The PWGSC file number, the contracting officer's name and the closing date of the ACAN must appear on the outside of the envelope in block letters or, in the case of a facsimile transmission, on the covering page.

The Crown retains the right to negotiate with suppliers on any procurement.

Documents may be submitted in either official language of Canada.

*ABE will perform this function automatically.*

7B.186 (2004-12-10) The NPP is posted on GETS (MERX) (and the GBO as applicable) once the related bid solicitation(s) has/have arrived at GETS (MERX) and there are no discrepancies (all elements matching and correct).

7B.187 (2004-12-10) If the electronic notices are received at GETS (MERX) by 17:00 on a given day, and all the elements (notice, document, attachments) match and are correct, then the notice will be posted on GETS (MERX) for the following business day. Notices are posted on GETS (MERX) board only once a day, after midnight.

*It is the responsibility of the contracting officer to ensure that the notice and bid solicitation(s) have been successfully transmitted to GETS (MERX) and the notice posted properly.*

7B.188 (2005-12-16) GETS (MERX) returns a confirmation of postings to PWGSC on a daily basis. (See [7B.191.](#))

With the exception of procurement subject to NAFTA, WTO-AGP and AIT, contracting officers may send a copy of the NPP to suppliers when it is considered necessary to ensure adequate competition. However, these suppliers are still required to obtain the bid solicitations from GETS (MERX). A covering letter should also be sent to suppliers.

## **Bid Solicitations**

7B.190 (2004-12-10) Contracting officers must forward bid solicitations to GETS (MERX) for each publicly advertised competitive solicitation. All bid solicitation elements must be received for distribution by GETS (MERX) (matching and correct) before the corresponding notice will be posted.

7B.191 (2004-12-10) The ABE Support Team - Client Services Support Desk (CSSD), Electronic Processes Directorate, acts as a focal point between GETS (MERX) and the System

Administrators and contracting officers to facilitate corrections. Once the bid solicitation is received by GETS (MERX), all elements are matched and verified correct (i.e. have passed the applicable GETS (MERX) Distribution Unit Quality Assurance checks), and CSSD and the contracting officer are alerted to discrepancies via the confirmation feed from GETS (MERX). (See [7B.186](#).) A bid solicitation received at GETS (MERX) which does not have all elements matching and correct will be rejected and the NPP will be placed in a "suspend" file until corrective action is taken. Contracting officers should check the GETS (MERX) site the day after issuing the Notice and notify their System Administrator if the notice has not been posted.

7B.192 (2000-05-12) Corrections required on bid solicitations remain the responsibility of the contracting officer.

7B.193 (2004-12-10) The CSSD Team may be contacted by telephone at (819) 956-3325, by facsimile at (819) 956-8272, or by e-mail at: [NCR-A2K1 SWAT](#).

### ***Electronic Bid Solicitations***

7B.197 (2004-12-10) Contracting officers are encouraged to send bid solicitations to GETS (MERX) electronically through ABE. Depending on the complexity of attachments and inclusions in the bid solicitation, contracting officers are now able to transmit most (except for Real Property attachments) bid solicitations electronically through ABE to GETS (MERX). ABE has the capability of converting several software applications into PDF format for electronic transmission to GETS (MERX), as well as the capability to transmit large documents electronically (i.e. up to 25MB with 10 inclusions - contact CSSD for more information if required). ABE is configured to handle the transmission of electronic documents in various software applications, including Microsoft Word, Adobe Acrobat (i.e. PDF format), Lotus WordPro and Lotus 1-2-3. Contracting officers are encouraged to maximize electronic procurement by obtaining relevant client-supplied bid solicitations electronically. ABE's ability to generate full electronic notices and bid solicitations for transmission to GETS (MERX) for distribution to suppliers can yield substantial savings to suppliers in the form of lower document costs.

### ***Non-electronic Bid Solicitations***

7B.202 (2004-12-10) When the bid solicitation or additional material cannot be sent electronically through ABE to GETS (MERX), contracting officers are responsible for ensuring that sufficient quantities of the bid solicitations in a physical format such as paper, diskette, or CD, or the additional materials (e.g. samples, technical drawings and specifications) are sent to the applicable GETS (MERX) Distribution Unit for distribution, and quantities replenished as required.

Contracting officers are responsible for estimating an appropriate number of copies of the bid solicitations in physical format and additional materials to send to GETS (MERX) if they cannot be transmitted to GETS (MERX) electronically through ABE. Should the quantities of the bid solicitations in physical format sent by the contracting officer be insufficient, GETS (MERX) will contact the contracting officer when supplies are getting low and need to be replenished. Contracting officers will then be required to send additional quantities of the bid solicitations in physical format to GETS (MERX).

To obtain the required copies of non-electronic bid solicitations, contracting officers may make the copies themselves or request the required copies from the client department. The department or agency initiating the requisition will be responsible for the duplication costs associated with ensuring that copies of a bid package are made available to GETS (MERX) for distribution.

In order to reduce the cost of copying, contracting officers are encouraged to obtain and prepare the bid solicitations in electronic format and should any problems be experienced in electronic transmission from ABE to GETS (MERX), contact CSSD.

### ***Additional Bid Solicitation Material***

7B.203 (2004-12-10) When additional materials associated with an opportunity (e.g. samples, technical

drawings, technical data packages, specifications etc.) are being sent directly to suppliers, and not through GETS (MERX), the originating PWGSC office is responsible for selecting an appropriate method to ensure that this documentation or material relating to the procurement is sent to each supplier that has requested a bid solicitation from GETS (MERX).

If technical data are to be sent to potential bidders from a different source - e.g. distributed by the client department, the bid solicitation should not be issued for posting until the data are available from that source. The bid solicitation must identify the source.

7B.204 (2004-12-10) When the client is responsible for distributing the technical material, the contracting officer must forward the mailing labels to the client.

7B.205 (1994-06-23) Suppliers are responsible for obtaining copies of the necessary technical data if such are available to the trade through normal business channels.

7B.206 (2004-12-10) For procurements that are publicly advertised, the distribution of bid solicitations and updates to suppliers from GETS (MERX) is arranged between suppliers and GETS (MERX), which is the sole distributor of bid solicitations. Contracting officers must not send bid solicitations directly to suppliers.

### **Government Electronic Tendering Service (GETS)**

7B.207 (2005-12-16) GETS is provided under the trade mark name MERX, by a supplier under contract with Canada. GETS (MERX) posts procurement notices and bid solicitations for suppliers to access. Suppliers with Internet access can search and view procurement notices on MERX at no charge. Suppliers who are MERX subscribers may view an electronic copy of the bid solicitations prior to ordering them. Suppliers who are Non-subscriber Order (NSO) users will only be able to view electronic bid solicitations on-line after ordering them. Suppliers wishing to order bid solicitations must pay a prepaid annual or monthly MERX subscription fee. Alternatively, suppliers may pay a one-time NSO user fee per order basket at the time of ordering a bid solicitation, plus the other applicable costs for the bid solicitation(s). Suppliers may view notices and bid solicitations on-line and may download the bid solicitations electronically, or order the bid solicitations by facsimile, e-mail, mail or courier, or may pick-up the bid solicitation, according to the supplier's preference and document format availability. The cost to suppliers of each bid solicitation is based on the delivery method chosen by the supplier and on the size (i.e. number of pages) and format (paper or electronic) of the document. The fees for bid solicitations are posted on MERX.

*For more information on the fee structure for suppliers, please see the [MERX Website](#). For general inquiries on GETS, visit the [Business Access Canada Website](#) or call the InfoLine at 1-800-811-1148. Suppliers wishing to subscribe or to order documents should contact the 13 hours a day, 5 days a week MERX Call Centre at telephone number 1-800-964-6379.*

### **Government Business Opportunities (GBO)**

7B.208 (2004-12-10) The latest GBO notices are available on-line from GETS (MERX) each business day (i.e. Monday to Friday). MERX subscribers also have the option to receive the GBO notices either by e-mail or by fax. To order bid solicitations, suppliers should contact the MERX Call Centre at the toll-free telephone number 1-800-964-6379. Suppliers that are not MERX subscribers must pay a one-time NSO user fee at the time of ordering a document. All suppliers, regardless of whether they are MERX subscribers or not, must also pay for the bid solicitation itself.

### **Opportunity Matching Service**

7B.209 (2004-12-10) MERX provides an opportunity matching service to subscribers. Subscribers provide MERX with a specific profile of the types of opportunities they would like to know about, and MERX searches daily for them. One opportunity matching profile will be available for free to all registered subscribers, excluding the NSO User service class. Additional profiles (i.e. quantity

two (2) up to a possible maximum quantity of nine (9)) will be available to subscribers for a fee. MERX will notify registered subscribers by e-mail or fax, or on-line (depending on which delivery method suppliers choose for each profile they create) if any of the newly advertised procurement opportunities match their profile.

### Determining the Bidding Period

7B.210 (2000-05-12) The setting of a bid closing date must take into account the level of complexity and the advertising medium required. Sufficient time must be allowed for a supplier to obtain the bid solicitation, and any additional material if applicable, and prepare and submit a bid.

7B.211 (2005-12-16) For procurements that are not subject to NAFTA or the WTO-AGP, (whether publicly advertised or not) the bidding period should not be less than fifteen (15) calendar days either from the date the requirement is posted publicly or, in the case of procurements not publicly advertised, from the date the bid solicitations are released. Low dollar value procurements below \$25,000 (including all applicable taxes) may be for less than fifteen (15) days as appropriate for efficiency and cost effectiveness.

7B.212 (2005-12-16) For procurements that are subject to NAFTA and/or WTO-AGP, the following periods for receipt of bids shall apply.

- (a) For open tendering procedures, the period for the receipt of bids shall not be less than forty (40) calendar days from the date the Notice of Proposed Procurement (NPP) is published on GETS (MERX).
- (b) For selective tendering procedures not involving the use of a permanent list of qualified suppliers, an invitation to qualify must be published for a minimum of twenty-five (25) days on GETS (MERX). Following the 25-day period, a NPP can then be published on GETS (MERX), allowing for the receipt of bids for not less than forty (40) days.
- (c) When conducting a procurement using selective tendering from a permanent list of qualified suppliers, in addition to sending invitations to tender to the selected suppliers from the list, an NPP must be published. The NPP should be published at the same time as the initial issuance of the invitations to tender. When this is done, the period for receipt of bids must be no less than forty (40) days from the date of the publication of the NPP. In the event that it may not be possible to publish the NPP at the same time as the initial issuance of the invitation to tender, contracting officers should consult with the Acquisition Strategy and Relations Directorate (ASRD), at (819) 956-6501.
- (d) Any time period for publication noted above may be reduced in certain circumstances:
  - (i) in the case of recurring contracts where the original NPP provided an estimate of when the subsequent notices will be published, the bid period for subsequent procurements may be reduced but not to less than twenty-four (24) calendar days;
  - (ii) where a state of urgency can be duly substantiated, the bid period may be reduced, but not less than ten (10) calendar days;
  - (iii) for an enterprise (Crown corporation) subject to NAFTA only, the period for the receipt of bids shall be twenty-four (24) calendar days for Crown corporations that have published an NPP, setting out a description of the subject matter, the time limits for the receipt of tenders, and a contact point for both information and requests for documents, for a minimum of forty (40) calendar days but not more than twelve (12) months;
  - (iv) where an enterprise (Crown corporation) subject to NAFTA only is using, as an invitation to participate, an NPP regarding a qualification system, the period for the receipt of bids shall be sufficiently long to allow for responsive bidding and

may be fixed by mutual consent between the enterprise and all suppliers who have been qualified, but may not be set at less than ten (10) calendar days.

*NAFTA and the WTO-AGP specify minimum publication periods. ASRD can assist in determining whether a proposed reduction to the minimum bid period is within the provisions of the agreements. At that point, the business decision as to how much the bid period is to be reduced is to be made by the contracting officer.*

7B.213 (2004-12-10) Notices are removed from the GETS (MERX) at the end of the day of closing after which the associated document is no longer available for ordering by suppliers.

### Controlled Goods

7B.215 (2002-05-24) Controlled goods cannot be released to persons that are not registered, exempt or excluded under the Program (CGP).

7B.216 (2004-12-10) When the bid solicitation (e.g. Request for Proposal or Notice of Proposed Procurement) contains controlled goods (\* e.g. like a drawing or Statement of Work), only those controlled goods cannot be released (e.g. through GETS [MERX]) to any persons that are not registered, exempt or excluded under the CGP; the remainder of the items are processed as usual.

\* NOTE: Not all drawings or Statements of Work are controlled goods themselves even if they relate to controlled goods.

[Registered persons](#) are listed on the CGP Website. Once the contracting officer has verified that the person requesting the controlled goods is registered, the bid sets, drawings, statements of work, etc. containing the controlled goods may then be released through adequate means to preclude the examination of controlled goods by unauthorized persons.

7B.217 (2004-12-10) An export permit to export a controlled Technical Data Package (TDP) is required to all countries except, in most cases, the United States. Contracting officers must first determine if their TDP is, in fact, controlled. The ultimate authority for making this determination is the Export Controls Division of International Trade Canada (ITCan). A determination needs to be made as to whether or not the contractor has access to controlled goods, in Canada, under the *Defence Production Act*.

Generally, if the TDP contains technical information for the "development, production or use" of an item controlled under the [Export Control List](#) (ECL): Group 2, not all; Group 5, Item 5504 only; and Group 6, all, then the TDP is controlled as well. If the TDP is designed solely for the solicitation of bids, it is probably not controlled. Contracting officers should contact the Export Controls Division, ITCan at (613) 996-2387 for assistance in making this determination.

7B.218 (2004-12-10) Security precautions for transferring controlled goods will vary depending on the type and size of the controlled goods. Safeguards chosen must adequately preclude the examination unauthorized transfer of controlled goods by a person who is not registered, exempt or excluded under the CGP and should be such as to make tampering evident. These include:

- (a) using double envelopes, security seals and security-sealed containers;
- (b) marking transfer containers with a return address;
- (c) recording how the controlled good is being transferred;
- (d) determining the reliability of a postal or courier service;
- (e) transferring controlled goods by first class or registered mail, or by a reliable postal or courier service that offers: proof of mailing, a record while in transit, and a record of delivery;

- (f) recording the controlled good being transferred and who is transferring it; or
- (g) upon receipt, examining the packaging and sealing devices, and reporting tampering.

## Procurements Not Publicly Advertised

7B.219 (2003-05-30) Official source lists are the basis for requesting firms to bid when a competitive procurement is not publicly advertised. When available, the contracting officer should use these lists as a basis for preparing the bid solicitation list.

Contracting officers should consider using the Supplier Registration Information system to identify potential sources of supply for low dollar value goods and services.

*Contracting officers are reminded that an effort should be made to ensure best value to Canada in terms of who is invited, and also that the principle of "fairness and access" be displayed in a practical manner by rotating opportunities to bid within the suppliers on any given list.*

7B.220 (1994-06-23) In preparing the bid solicitation list, the contracting officer may include suppliers suggested by the client.

7B.221 (2003-05-30) Whenever a supplier requests an opportunity to bid on a specific requirement, that supplier shall be given the opportunity, provided that it is not necessary to cancel the existing bid solicitation and issue a new one.

7B.222 (2004-12-10) When a procurement is not going to be advertised on the GETS (MERX) or in the *Government Business Opportunities*, the contracting officer is responsible for ensuring distribution of bid solicitations to potential bidders.

*In headquarters, Tender Contract Distribution Unit performs this service.*

## Bid Solicitation Lists

7B.228 (1997-09-15) For solicitations not subject to public advertising, the list of suppliers being invited to bid is to be released automatically to all suppliers on that list at the time of solicitation. Lists will not be updated as new bidders request bid sets.

For solicitations subject to public advertising, the release of the bidders' list in response to requests received from non-electronic tendering service subscribers and parties other than potential sources of supply will be left to the discretion of the contracting officer.

When dealing with sensitive (designated/classified) requirements, bidders' lists or bid and contract information are not to be released. Such requests are to be referred to the Access to Information and Privacy Office at (819) 956-1820.