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RETURN BIDS TO: RETOURNER LES SOUMISSIONS À :	Title – Sujet Digitalization of National Const Common Data Framework	I Construction Codes and a National ork			
NRC.BidReceiving- ReceptiondesSoumissions.CNRC@nrc-cnrc.gc.ca	Solicitation No. – N° de l'invitation 23-58061	Date August 23, 2023			
	Solicitation Closes – L'invitation prend fin	Time Zone Fuseau horaire			
REQUEST FOR PROPOSAL DEMANDE DE PROPOSITIONS	at – à 02 :00 PM on – le September 25, 2023 F.O.B F.A.B.	EDT			
Proposal To: National Research Council Canada		Plant-Usine: Destination: Other-Autre: Image: Comparison of the second se			
We hereby offer to sell to His Majesty the King in right of Canada, in accordance with the terms and conditions set out herein, referred to herein or attached hereto, the goods, services, and construction listed herein and on any attached sheets at the price(s) set out thereof. Proposition au : Conseil national de recherches Canada	Email address – l'addresse courriel : <u>stephane.lajoie@nrc-cnrc.gc.ca</u> Destination – of Goods, Services, and Construction: Destination – des biens, services et construction :				
Nous offrons par la présente de vendre à Sa Majesté e Roi du chef du Canada, aux conditions énoncées pu incluses par référence dans la présente et aux annexes ci-jointes, les biens, services et construction enumérés ici sur toute feuille ci-annexées, au(x) prix andiqué(s).	National Research Council Canada 1200 Montreal Road, Bldg. M-24 Ottawa, Ontario K1A 0R6 Canada				
nstructions : See Herein					
nstructions: Voir aux présentes comments - Commentaires	Vendor/firm Name and address Raison sociale et adresse du fournisse	eur/de l'entrepreneur			
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PART 1 - GENERAL INFORMATION

1.1 Security Requirements

There is no security requirement associated with the requirement.

1.2 Statement of Work

To provide the Digitalization of National Construction Codes and a National Common Data Framework in accordance with the detailed Statement of Work attached as Annex A.

1.3 Debriefings

Bidders may request a debriefing on the results of the bid solicitation process. Bidders should make the request to the Contracting Authority within 15 working days from receipt of the results of the bid solicitation process. The debriefing may be in writing, by telephone or in person.

PART 2 - BIDDER INSTRUCTIONS

2.1 Standard Instructions, Clauses and Conditions

You are invited to submit one electronic Technical Proposal and one electronic Financial Proposal in two separate attachments to fulfil the following requirement forming part of this Request for Proposal. One attachment must be clearly marked 'Technical Proposal' and the other attachment must be marked 'Financial Proposal'. All financial information must be fully contained in the Financial Proposal, and only in the Financial Proposal. Vendors who provide financial information in the technical proposal will be disqualified. All proposals should include the front page of this RFP duly completed.

<u>2035</u> (2022-12-11), General Conditions - Services (Higher Complexity) apply to and form part of the Contract.

Bidders who submit a bid agree to be bound by the instructions, clauses and conditions of the bid solicitation and accept the clauses and conditions of the resulting contract.

Proposals submitted must be valid for not less than sixty (60) days from the closing date of the RFP.

2.1.1 It is the Bidder's responsibility to:

- (a) return a signed copy of the bid solicitation, duly completed, IN THE FORMAT REQUESTED;
- (b) direct its bid ONLY to the Bid Receiving address specified;
- (c) ensure that the Bidder's name, the bid solicitation reference number, and bid solicitation closing date and time are clearly visible;
- (d) provide a comprehensive and sufficiently detailed bid, including all requested pricing details, that will permit a complete evaluation in accordance with the criteria set out in the bid solicitation.

Timely and correct delivery of bids to the specified bid delivery address is the sole responsibility of the Bidder. The National Research Council Canada (NRC) will not assume or have transferred to it those responsibilities. All risks and consequences of incorrect delivery of bids are the responsibility of the Bidder.

2.1.2 Bids may be accepted in whole or in part. The lowest or any bid will not necessarily be accepted. In the case of error in the extension of prices, the unit price will govern. NRC may enter into contract without negotiation.

2.1.3 Bidders who submit a bid agree to be bound by the instructions, clauses and conditions of the bid solicitation and accept the terms and conditions of the resulting contract.

2.1.4 Bids will remain open for acceptance for a period of not less than sixty (60) days from the closing date of the bid solicitation, unless otherwise indicated by NRC in such bid solicitation.

2.1.5 While NRC may enter into contract without negotiation, Canada reserves the right to negotiate with bidders on any procurement.

2.1.6 Notwithstanding the bid validity period stipulated in this solicitation, Canada reserves the right to seek an extension from all responsive bidders, within a minimum of three (3) days prior to the end of such period. Bidders shall have the option to either accept or reject the extension.

2.1.7 If the extension referred to above is accepted, in writing, by all those who submitted responsive bids, then Canada shall continue immediately with the evaluation of the bids and its approval processes.

2.1.8 If the extension referred to above is not accepted, in writing, by all those who submitted responsive bids then Canada shall, at its sole discretion: either continue to evaluate the responsive bids of those who have accepted the extension and seek the necessary approvals; or cancel the solicitation; or cancel and reissue the solicitation.

2.2 Late Bids

All risks and consequences of incorrect delivery of electronic bids are the responsibility of the Bidder. The National Research Council Canada will not be responsible for late bids received at destination after the closing date and time, even if it was submitted before. Electronic bids received after the indicated closing time based on NRC servers' received time will be irrevocably rejected. Bidders are urged to send their proposal in sufficient time, in advance of the closing time to reduce any technical issues. The National Research Council Canada will not be held responsible for bids sent before closing time but received by the NRC servers after the closing time.

2.3 Submission of Bids

Technical and Financial Proposals must be <u>received</u> electronically no later than 2:00 p.m. <u>EDT</u> (NRC's Server Time), September 25, 2023, to the following NRC email address:

NRC.BidReceiving-ReceptiondesSoumissions.CNRC@nrc-cnrc.gc.ca

The NRC has restrictions on incoming e-mail messages. **The maximum e-mail message size including all file attachments must not exceed 10MB.** Zip files or links to bid documents will not be accepted. Incoming e-mail messages exceeding the maximum file size and/or containing zip file attachments will be blocked from entering the NRC e-mail system. A bid transmitted by e-mail that gets blocked by the NRC e-mail system will be considered not received.

Proposals must not be sent directly to the Contracting Authority or the Project Authority.

All submitted proposals become the property NRC.

2.4 Former Public Servant

Contracts awarded to former public servants (FPS) in receipt of a pension or of a lump sum payment must bear the closest public scrutiny, and reflect fairness in the spending of public funds. In order to comply with Treasury Board policies and directives on contracts awarded to FPSs, bidders must provide the information required below before contract award. If the answer to the questions and, as applicable the information required have not been received by the time the evaluation of bids is completed, Canada will inform the Bidder of a time frame within which to provide the information. Failure to comply with Canada's request and meet the requirement within the prescribed time frame will render the bid non-responsive.

Definitions

For the purposes of this clause, "former public servant" is any former member of a department as defined in the *Financial Administration Act*, R.S., 1985, c. F-11, a former member of the Canadian Armed Forces or a former member of the Royal Canadian Mounted Police. A former public servant may be:

- a. an individual;
- b. an individual who has incorporated;
- c. a partnership made of former public servants; or
- d. a sole proprietorship or entity where the affected individual has a controlling or major interest in the entity.

"lump sum payment period" means the period measured in weeks of salary, for which payment has been made to facilitate the transition to retirement or to other employment as a result of the implementation of various programs to reduce the size of the Public Service. The lump sum payment period does not include the period of severance pay, which is measured in a like manner.

"pension" means a pension or annual allowance paid under the <u>Public Service Superannuation</u> <u>Act</u> (PSSA), R.S., 1985, c. P-36, and any increases paid pursuant to the <u>Supplementary Retirement</u> <u>Benefits Act</u>, R.S., 1985, c. S-24 as it affects the PSSA. It does not include pensions payable pursuant to the <u>Canadian Forces Superannuation Act</u>, R.S., 1985, c. C-17, the <u>Defence Services Pension</u> <u>Continuation Act</u>, 1970, c. D-3, the <u>Royal Canadian Mounted Police Pension Continuation Act</u>, 1970, c. R-10, and the <u>Royal Canadian Mounted Police Superannuation Act</u>, R.S., 1985, c. R-11, the <u>Members of Parliament Retiring Allowances Act</u>, R.S. 1985, c. M-5, and that portion of pension payable to the <u>Canada Pension Plan Act</u>, R.S., 1985, c. C-8.

Former Public Servant in Receipt of a Pension

As per the above definitions, is the Bidder a FPS in receipt of a pension? Yes () No ()

If so, the Bidder must provide the following information, for all FPSs in receipt of a pension, as applicable:

- a. name of former public servant;
- b. date of termination of employment or retirement from the Public Service.

By providing this information, Bidder's agree that the successful Bidder's status, with respect to being a former public servant in receipt of a pension, will be reported on departmental websites as part of the published proactive disclosure reports in accordance with <u>Contracting Policy Notice: 2019-01</u> and the <u>Guidelines on the Proactive Disclosure of Contracts</u>.

Work Force Adjustment Directive

Is the Bidder a FPS who received a lump sum payment pursuant to the terms of the Work Force Adjustment Directive? **Yes** () **No** ()

If so, the Bidder must provide the following information:

- a. name of former public servant;
- b. conditions of the lump sum payment incentive;
- c. date of termination of employment;
- d. amount of lump sum payment;
- e. rate of pay on which lump sum payment is based;

- f. period of lump sum payment including start date, end date and number of weeks;
- g. number and amount (professional fees) of other contracts subject to the restrictions of a work force adjustment program.

2.5 Enquiries - Bid Solicitation

All enquiries must be submitted in writing to the Contracting Authority no later than 7 calendar days before the bid closing date. Enquiries received after that time may not be answered.

Contracting Authority, Procurement Services National Research Council Canada Stéphane Lajoie, <u>stephane.lajoie@nrc-cnrc.gc.ca</u>

For open public tender

To ensure the equality of information among Bidders, responses to general enquiries will be made available to all bidders unless such publications would reveal proprietary information. The bidder who initiates the question will not be identified. Technical questions that are considered proprietary by the bidder must be clearly identified. NRC will respond individually to the bidder if it considers the questions proprietary. If NRC does not consider the question proprietary, the bidder submitting it will be allowed to withdraw the question, or have the question and answer made available through the Open Bidding System (OBS) to all bidders.

Bidders who attempt to obtain information regarding any aspect of this RFP during the solicitation period through any NRC contacts other than the Contracting Authority identified herein, may be disqualified (for that reason alone).

It is the responsibility of the Bidder to obtain clarification of the requirement contained herein, if necessary, prior to submitting its proposal. The Bidder must have written confirmation from the Contracting Authority for any changes, alterations, etc., concerning this RFP.

Bidders should reference as accurately as possible the numbered item of the bid solicitation to which the enquiry relates. Care should be taken by Bidders to explain each question in sufficient detail in order to enable Canada to provide an accurate answer. Technical enquiries that are of a proprietary nature must be clearly marked "proprietary" at each relevant item. Items identified as "proprietary" will be treated as such except where Canada determines that the enquiry is not of a proprietary nature. Canada may edit the question(s) or may request that the Bidder do so, so that the proprietary nature of the question(s) is eliminated, and the enquiry can be answered to all Bidders. Enquiries not submitted in a form that can be distributed to all Bidders may not be answered by Canada.

2.6 Applicable Laws

Any resulting contract must be interpreted and governed, and the relations between the parties determined, by the laws in force in Ontario.

Bidders may, at their discretion, substitute the applicable laws of a Canadian province or territory of their choice without affecting the validity of their bid, by deleting the name of the Canadian province or territory specified and inserting the name of the Canadian province or territory of their choice. If no change is made, it acknowledges that the applicable laws specified are acceptable to the Bidders.

2.7 Bid Challenge and Recourse Mechanisms

If you have any concerns relating to the procurement process, please refer to the <u>Recourse Mechanisms</u> page on the Buyandsell.gc.ca website. Please note that there are strict deadlines for filing complaints with the Canadian International Trade Tribunal (CITT) or the <u>Office of the Procurement Ombudsman (OPO)</u>. Suppliers should therefore act quickly when they want to challenge any aspect of the procurement

process.

https://buyandsell.gc.ca/for-businesses/selling-to-the-government-of-canada/bid-follow-up/bid-challengeand-recourse-mechanisms

https://opo-boa.gc.ca/plaintesurvol-complaintoverview-eng.html

PART 3 - BID PREPARATION INSTRUCTIONS

3.1 Bid Preparation Instructions

Canada requests that the Bidder submits its bid in separate attachment sections (when applicable) as follows:

Section I: Technical Bid Section II: Financial Bid Section III: Certifications and Additional Information

There shall be no payment by the National Research Council for costs incurred in the preparation and submission of proposals in response to this request. No payment shall be made for costs incurred for clarification(s) and/or demonstration(s) that may be required by NRC. The National Research Council reserves the right to reject any or all proposals submitted, or to accept any proposal in whole or in part without negotiation. A contract will not necessarily be issued as a result of this competition. NRC reserves the right to amend, cancel or reissue this requirement at any time.

In April 2006, Canada issued a policy directing federal departments and agencies to take the necessary steps to incorporate environmental considerations into the procurement process <u>Policy on Green</u> <u>Procurement</u> (https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32573). To assist Canada in reaching its objectives, bidders should:

- Include all environmental certification(s) relevant to your organization (e.g., ISO 14001, Leadership in Energy and Environmental Design (LEED), Carbon Disclosure Project, etc.)
- Include all environmental certification(s) or Environmental Product Declaration(s) (EPD) specific to your product/service (e.g., Forest Stewardship Council (FSC), ENERGYSTAR, etc.)

Canada is committed to greening its supply chain. Environmentally preferable goods and services are those that have a lesser or reduced impact on the environment over the life cycle of the good or service, when compared with competing goods or services serving the same purpose. Environmental performance considerations include, among other things: the reduction of greenhouse gas emissions and air contaminants; improved energy and water efficiency; reduced waste and support reuse and recycling; the use of renewable resources; reduced hazardous waste; and reduced toxic and hazardous substances. In accordance with the <u>Policy on Green Procurement</u> (https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32573), for this solicitation:

- Bidders are encouraged to offer or suggest green solutions whenever possible.
- Bidders are requested to provide all correspondence including (but not limited to) documents, reports and invoices in electronic format unless otherwise specified by the Contracting Authority or Project Authority, thereby reducing printed material.
- Bidders should recycle (shred) unneeded copies of non-classified/secure documents (taking into consideration the Security Requirements).
- Product components used in performing the services should be recyclable and/or reusable, whenever possible.

- Bidders are encouraged to offer goods and/or services certified to a reputable eco-label. ٠
- Bidders should use equipment that has high energy efficiency or produces low air • emissions.
- Bidders are encouraged to offer environmentally preferred products which supports a sustainable environment for nature and wildlife.
- Bidders are encouraged to offer environmentally preferred products which ensure the comfort and air quality of building occupants.

Bidders are encouraged to consult the following websites: https://www.tpsgc-pwgsc.gc.ca/app-acq/ae-gp/index-eng.html https://www.tpsgc-pwgsc.gc.ca/app-acg/ae-gp/rle-glr-eng.html

Section I: **Technical Bid**

In their technical bid, Bidders should explain and demonstrate how they propose to meet the requirements and how they will carry out the Work.

Section II: **Financial Bid**

Bidders must submit their financial bid in accordance with the Basis of Payment.

Section III: **Certifications and Additional Information**

Bidders must submit the certifications and additional information required under Part 5.

3.1.1 **Electronic Payment of Invoices – Bid**

Payments from the National Research Council Canada (NRC) are made by electronic payment. Direct deposit payments will be made in Canadian dollars and can only be deposited into Canadian bank accounts.

Only bank accounts outside of Canada are eligible to enroll as a Wire transfer payment method.

Exchange Rate Fluctuation 3.1.2

Bids will be evaluated in Canadian currency, therefore, for evaluation purposes, the exchange rate quoted by the Bank of Canada as being in effect on date of bid closing, shall be applied as the conversion factor for foreign currency. Prices quoted shall not be subject to, or conditional upon, fluctuations in commercial or other interest rates during either the evaluation or contract period.

PART 4 - EVALUATION PROCEDURES AND BASIS OF SELECTION

4.1 **Evaluation Procedures**

- (a) Bids will be assessed in accordance with the entire requirement of the bid solicitation including technical and financial, evaluation criteria.
- (b) An evaluation team composed of representatives of Canada will evaluate the bids.

4.1.1 **Technical Evaluation**

Proposals will be assessed in accordance with the mandatory and rated evaluation attached as Annex C. Bidders shall provide a detailed response to each criterion. NRC reserves the right to verify any and all information provided by the bidder in their proposal.

Financial Evaluation 4.1.3

The Contractor must complete the pricing schedule provided in Annex B and include it as a separate attachment in the electronic bid submission.

4.2 Basis of Selection

Highest combined technical score (75%) and price (25%) with a minimum consensus score of 70%.

To be declared responsive, a bid must:

- a. comply with all the requirements of the bid solicitation; and
- b. meet all mandatory technical evaluation criteria; and
- c. obtain the required minimum consensus score of 70% of the points for the technical evaluation criteria (*Rated Requirements*).

Bids not meeting (a) or (b) or (c) will be declared non-responsive. Neither the responsive bid that receives the highest number of points nor the one that proposed the lowest price will necessarily be accepted.

The responsive bid with the highest combined technical score (75%) and price (25%) within the maximum budget of \$350,000.00 CAD (applicable taxes included) will be recommended for award of a contract.

PART 5 – CERTIFICATIONS AND ADDITIONAL INFORMATION

Bidders must provide the required certifications and additional information to be awarded a contract.

The certifications provided by Bidders to Canada are subject to verification by Canada at all times. Unless specified otherwise, Canada will declare a bid non-responsive, or will declare a contractor in default if any certification made by the Bidder is found to be untrue whether made knowingly or unknowingly, during the bid evaluation period or during the contract period.

The Contracting Authority will have the right to ask for additional information to verify the Bidder's certifications. Failure to comply and to cooperate with any request or requirement imposed by the Contracting Authority will render the bid non-responsive or constitute a default under the Contract.

5.1 Certifications Required with the Bid

Bidders must submit the following duly completed certifications as part of their bid.

5.1.1 Integrity Provisions - Declaration of Convicted Offences

In accordance with the Integrity Provisions of the Standard Instructions, all bidders must provide with their bid, **if applicable**, the declaration form available on the <u>Forms for the Integrity Regime</u> website (http://www.tpsgc-pwgsc.gc.ca/ci-if/declaration-eng.html), to be given further consideration in the procurement process.

5.2 Certifications Precedent to Contract Award and Additional Information

The certifications and additional information listed below should be submitted with the bid but may be submitted afterwards. If any of these required certifications or additional information is not completed and submitted as requested, the Contracting Authority will inform the Bidder of a time frame within which to provide the information. Failure to provide the certifications or the additional information listed below within the time frame provided will render the bid non-responsive.

5.2.1 **Integrity Provisions – Required Documentation**

In accordance with the section titled Information to be provided when bidding, contracting or entering into a real property agreement of the Ineligibility and Suspension Policy (http://www.tpsgc-pwgsc.gc.ca/ciif/politique-policy-eng.html), the Bidder must provide the required documentation, as applicable, to be given further consideration in the procurement process.

In addition to all other information required in the procurement process, the Bidder **must** provide the following:

- Bidders who are incorporated, including those bidding as a joint venture, must provide a • complete list of names of all individuals who are currently directors of the Bidder or, in the case of a private company, the owners of the company.
- Bidders bidding as sole proprietorship, as well as those bidding as a joint venture, must provide the name of the owner(s).

SURNAME	GIVEN NAME(S)	TITLE

PART 6 - RESULTING CONTRACT CLAUSES

The following clauses and conditions apply to and form part of any contract resulting from the bid solicitation.

6.1 **Security Requirements**

6.1.1 There is no security requirement applicable to the Contract.

6.2 Statement of Work

To provide the Digitalization of National Construction Codes and a National Common Data Framework in accordance with the detailed Statement of Work attached as Annex A.

6.3 **General Conditions**

2035 (2022-12-11) General Conditions - Services (Higher Complexity) apply to and form part of the Contract.

6.4 Term of Contract

Period of the Contract 6.4.1

The period of the Contract is from date of Contract to March 15, 2024 inclusive.

Authorities 6.5

6.5.1 **Contracting Authority**



The Contracting Authority for the Contract is:

Name: Stéphane Lajoie Title: Senior Contracting Authority National Research Council Canada Directorate: Finance Procurement Services Address: 1200 Montreal Road, Ottawa, Ontario K1A 0R6, Canada

Telephone: 514-210-7395 E-mail address: <u>stephane.lajoie@nrc-cnrc.gc.ca</u>

The Contracting Authority is responsible for the management of the Contract and any changes to the Contract must be authorized in writing by the Contracting Authority. The Contractor must not perform work in excess of or outside the scope of the Contract based on verbal or written requests or instructions from anybody other than the Contracting Authority.

6.5.2 Technical Authority

The Technical Authority for the Contract is: [to be inserted at contract award]

Name:	
Title:	_
Organization:	
Address:	

Telephone: ____ ___ ____ E-mail address: _____

The Technical Authority is the representative of the department or agency for whom the Work is being carried out under the Contract and is responsible for all matters concerning the technical content of the Work under the Contract. Technical matters may be discussed with the Technical Authority; however, the Tehcnical Authority has no authority to authorize changes to the scope of the Work. Changes to the scope of the Work can only be made through a contract amendment issued by the Contracting Authority.

6.5.3 Contractor's Representative [to be inserted at contract award]

Name:	
Title:	
Address:	

Telephone: ____ ___ ____ E-mail address: _____

6.6 Proactive Disclosure of Contracts with Former Public Servants

By providing information on its status, with respect to being a former public servant in receipt of a Public Service Superannuation Act (PSSA) pension, the Contractor has agreed that this information will be reported on departmental websites as part of the published proactive disclosure reports, in accordance with Contracting Policy Notice: 2012-2 of the Treasury Board Secretariat of Canada.

6.7 Payment

6.7.1 Basis of Payment

The Contractor will be paid for costs reasonably and properly incurred in the performance of the work under this Contract in accordance with the following:

Professional Fees

In consideration of the Contractor satisfactorily completing all of its obligations under the Contract, the Contractor will be paid a firm price of \$ _____ *(insert amount at contract award*). Customs duties are excluded and Applicable Taxes are extra.

6.7.2 Limitation of Expenditure

Unless otherwise authorized in writing by the National Research Council of Canada (NRC), NRC's financial liability to the Contractor under this Contract shall not exceed \$______ (*insert the sum*). Customs duties are excluded and Applicable Taxes are extra. The Contractor must not perform any work that would cause the total liability of NRC to exceed this limitation unless authorized in writing by the Contracting Authority through a contract amendment. All work shall be done to the full satisfaction of the Technical Authority named herein before any payment shall become due to the Contractor.

6.7.3 Method of Payment

SACC Manual clause H1001C (2008-05-12), Multiple Payment

Canada will pay the Contractor upon completion and delivery of units in accordance with the payment provisions of the Contract if:

- a. an accurate and complete invoice and any other documents required by the Contract have been submitted in accordance with the invoicing instructions provided in the Contract;
- b. all such documents have been verified by Canada;
- c. the Work delivered has been accepted by Canada.

6.7.5 Electronic Payment of Invoices – Contract

The Contractor accepts to be paid using any of the following Electronic Payment Instrument(s):

- a. Direct Deposit (Domestic Only);
- b. Wire Transfer (International Only);

6.8 Inspection and Acceptance

The Technical Authority is the Inspection Authority. All reports, deliverable items, documents, good and all services rendered under the Contract are subject to inspection by the Inspection Authority or representative. Should any report, document, good or service not be in accordance with the Statement of Requirement and to the satisfaction of the Inspection Authority, as submitted, the Inspection Authority will have the right to reject it or require its correction at the sole expense of the Contractor before recommending payment.

6.9 Invoicing Instructions

The Contractor must submit invoices in accordance with the section entitled "Invoice Submission" of the general conditions. Invoices cannot be submitted until all work identified in the invoice is completed.

Invoices must be sent to: nrc.invoice-facture.cnrc@nrc-cnrc.gc.ca

PLEASE QUOTE CONTRACT NO. [to be inserted at contract award] ON ALL DOCUMENTATION AND INVOICES.

6.10 Certifications and Additional Information

6.10.1 Compliance

Unless specified otherwise, the continuous compliance with the certifications provided by the Contractor in its bid or precedent to contract award, and the ongoing cooperation in providing additional information are conditions of the Contract and failure to comply will constitute the Contractor in default. Certifications are subject to verification by Canada during the entire period of the Contract.

6.11 Applicable Laws

The Contract must be interpreted and governed, and the relations between the parties determined, by the laws in force in Ontario.

6.12 **Priority of Documents**

If there is a discrepancy between the wording of any documents that appear on the list, the wording of the document that first appears on the list has priority over the wording of any document that subsequently appears on the list.

- (a) the Articles of Agreement;
- (b) the general conditions 2035 (2022-12-11) General Conditions Services (Higher Complexity);
- (c) ANNEX A, Statement of Work;
- (d) the Contractor's bid dated _____ (*insert date of bid*) (*If the bid was clarified or amended, insert at the time of contract award*: ", as clarified on _____" **or** ", as amended on _____" and *insert date(s) of clarification(s) or amendment(s)*).

6.14 Dispute Resolution

The Parties agree to make every reasonable effort, in good faith, to settle amicably all disputes or claims relating to the Contract, through negotiations between the Parties' representatives authorized to settle. If the Parties do not reach a settlement within 25 working days after the dispute was initially raised to the other party in writing, either Party may contact the Office of the Procurement Ombudsman (OPO) to request dispute resolution/mediation services. OPO may be contacted by e-mail at <u>boa.opo@boa-opo.gc.ca</u>, by telephone at 1-866-734-5169, or by web at <u>www.opo-boa.gc.ca</u>. For more information on OPO's services, please see the <u>Procurement Ombudsman Regulations</u> or visit the <u>OPO website</u>.

6.15 Non-Permanent Resident (Foreign Company)

The Contractor shall ensure that non-permanent residents intending to work in Canada on a temporary basis in fulfilment of the Contract, who are neither Canadian citizens nor United States nationals, receive all appropriate documents and instructions relating to Canadian immigration requirements and secure all required employment authorizations prior to their arrival at the Canadian port of entry. The Contractor shall ensure that United States nationals having such intentions receive all appropriate documents and instructions in that regard prior to their arrival at the Canadian port of entry. Such documents may be obtained at the appropriate Canadian Embassy/Consulate in the Contractor's country. The Contractor shall be responsible for all costs incurred as a result of non-compliance with immigration requirements.

OR

6.15 Non-Permanent Resident (Canadian Company)

The Contractor is responsible for compliance with the immigration requirements applicable to nonpermanent residents entering Canada to work on a temporary basis in fulfilment of the Contract. In some instances, the employment authorization necessary to enter Canada cannot be issued without prior approval of Human Resources Centre Canada (HRCC). HRCC should always be contacted as soon as the decision to bring in a non-permanent resident is made. The Contractor will be responsible for all costs incurred as a result of non-compliance with immigration requirements.

6.16 Withholding of 15 percent on Service Contracts with Non-residents

Pursuant to the <u>Income Tax Act</u>, 1985, c. 1 (5th Supp.) and the <u>Income Tax Regulations</u>, Canada must withhold 15 percent of the amount to be paid to the Contractor in respect of services provided in Canada if the Contractor is not a resident of Canada, unless the Contractor obtains a valid waiver from the <u>Canada Revenue Agency</u> (CRA). The amount withheld will be held on account for the Contractor in respect to any tax liability which may be owed to Canada.

Although most tax treaties between Canada and other countries provide for some relief from Canadian tax, Canada does not normally relinquish its right to withhold tax pursuant to the provisions of section 153 of the *Income Tax Act* and subsection 105(1) of the *Income Tax Regulations*. If the non-resident contractor can adequately demonstrate, based on treaty protection, that the withholding normally required is in excess of the ultimate tax liability, or that the withholding creates undue hardship to the contractor, then the CRA may issue permission to the payer authorizing a reduction of the subsection 105(1) withholdings. The procedure to apply for a reduction of withholding is detailed in Income Tax Information Circular IC75-6R2 Appendices A and B, as well as in CRA's T4061, Non resident Tax Withholding, Remitting, and Reporting. Requests for a waiver or a reduction of the withholding will not be entertained unless deductions at source are remitted to CRA.

6.17 Government Smoking Policy

Where the performance of the work requires the presence of the Contractor's personnel on government premises, the Contractor shall ensure that its personnel shall comply with the policy of the Government of Canada which prohibits smoking on any government premises.

6.18 Access to Government Facilities/Equipment

Access to the facilities and equipment necessary to the performance of the work shall be provided through arrangements to be made by the Technical Authority named herein. There will be however, no day-to-day supervision of the Contractor's activities, nor control of the Contractor's hours of work by the Technical Authority.

The Contractor undertakes and agrees to comply with all Standing Orders and Regulations in force on the site where the work is to be performed, relating to the safety of persons on the site or the protection of property against loss or damage from any and all causes including fires.



ANNEX "A" STATEMENT OF WORK

Introduction

Objectives

The overall objective of this project is to enable broader utilization of productivity-enhancing digital construction practices in Canada.

The National Research Council (NRC) is seeking proposals from experienced vendors for initial scoping stage of the project will include analyses of current state, requirements, target state, gaps and preliminary implementation planning for the following foundational elements of a scalable digital construction value chain:

- Digitalization of the National Model Construction Codes into a machine-readable format (compatible with Building Information Modelling - BIM); and
- Standardized national Common Data Framework, including data standards and data exchange mechanisms, as a basis for an anticipated future national Common Data Environment to support digital construction activities and efficient information flow (including digitalized construction codes between regulators, asset owners and built environment sector practitioners (e.g., architectural, engineering, construction).

Background

Through the Government of Canada's Budget 2022, the NRC received funding for a 'Platform to Support the Decarbonization of the Construction Sector at Scale' (NRC Construction Platform) that will utilize its research and development expertise in collaboration with academia, industry and governments to support the development and deployment of low-carbon construction solutions at scale. The NRC Construction Platform includes the initiation of two new Challenge Programs:

• The Low Carbon Built Environment (LCBE) Challenge Program will provide support for industrydeveloped carbon accounting tools and zero- or low-carbon construction materials, including cement products.

• The Construction Sector Digitalization and Productivity (CSDP) Challenge Program will seek to lower construction time and cost, while improving sector innovation potential, productivity, in order to increase the pace at which low-carbon solutions can be deployed in new and retrofit construction projects.

The NRC Construction Platform also includes an integrating work stream: Advancing a Low-Carbon Regulatory Framework, which will incent and accelerate the scale-up of new decarbonization technologies through the development and implementation of new carbon-based codes, standards, specifications and guidelines.

Combined, these efforts will provide a suite of low-carbon technologies and digitalized solutions to enable the construction sector and provide evidence to inform new codes, standards, specifications, and guidelines to help transition the Canadian construction sector.

Under the CSDP Challenge Program, NRC researchers will undertake work in collaboration with businesses, non-for-profit organizations and academia and will enable the construction sector to implement Construction 4.0 principles and frameworks towards digitalization and productivity. Given that Construction 4.0 principles are very large and extend beyond the timeframe and scope of the platform, the Program will focus on specific strategic areas that bring the sector together to work on solutions and enable innovation. This includes developing the knowledge that support the shift to performance-based codes, fostering a standardized digital ecosystem for construction practice, and supporting advanced manufacturing including via demonstrations and pilot studies focused on accelerated low-carbon retrofits.

The construction sector has yet to fully embrace digitalized construction practices and processes (Construction 4.0) and regulations remain largely prescriptive which further limits rapid and lower cost innovation. Analysis of the value chain – from products/systems (development and selection), through asset design, codes compliance, permitting, construction, inspection, to long-term operation – reveals that while the digital technologies largely exist today, they are not supported by an end-to-end digitalized value chain so the benefits are not fully realized.

The CSDP Challenge Program will be a vehicle to address key construction sector productivity gaps through the digitalization of the construction value chain for improved design, compliance and operations, accelerating innovation and cost-effective solutions through performance-based regulation, and advancing modular construction for accelerated low-carbon solutions and retrofits.

This project as described in this Statement of Work is expected to contribute to the objectives of the CSDP program and the broader NRC Construction Platform, particularly the advancement and deployment of digitalized content, information standards and information exchange for Building Information Modeling and emerging digital construction practices.

Definitions

Common Data Framework	A standardized framework that establishes rules for stakeholders to work together in a digital construction ecosystem. The framework will underpin software development for the CDE.
Common Data Environment (CDE)	A digital collaborative area (whether it's on the cloud or an on- premise server) where all project information is stored. Each CDE hosts information relevant to its users.
Building Information Model (BIM)	A process for digital representation and information management associated with the lifecycle of a built asset.
ISO 19650	A standard for managing information over the life cycle of a built asset through Building Information Modelling (BIM).
XML files	Extensible Markup Language (XML) is a file format for storing, exchanging and transmitting data in both human and machine- readable formats.
openBIM	universal approach to the collaborative design, realization and operation of the built environment based on open standards and workflows.
openCDE	A concept of openCDE model allows for information to move freely between CDEs, allowing for information created by one party to be used by others as they desire.
Application Programming Interface (API)	Refers to a set of protocols, routines, and tools used to interact with and exchange data between different software applications that are used in the BIM process. It allows different software applications to communicate with each other and exchange data in a standardized format. This is particularly important in the context of openBIM and CDE, where multiple software applications are used to create and manage a building project, and there is a need for seamless integration and exchange of data between these applications.
BIM/GIS Integration	The ability to manage data in BIM models, manipulate BIM models, query and extract information from BIM, and connect the model and model objects to other documentation. It has the ability to identify compliance and environmental metrics by geographic area and it adds geography as a filtering tool to help amend codes and regulations.



National Research Council Canada

Project Structure and Scope

Project Overview

This scoping project will be delivered through two concurrent and interdependent sub-projects:

Sub-Project 1: Digitalization of National Model Construction Codes and Provincial / Territorial Codes– analysis of requirements, target state information architecture and gaps and steps towards the conversion of Codes (including references to third-party standards such as CSA, ISO19650) and master specifications, into a machine-readable format particularly for Building Information Modeling (BIM). This scoping phase will consider the digitalization of both the National Model Construction Codes and Provincial/Territorial Codes (utilizing one set of provincial construction codes as a basis for the analysis).

Sub-Project 2: Common data framework for Canada - analysis of requirements, target state information architecture and gaps and planning for a national common data framework for construction information, as a basis for the development of a national Open Common Data Environment (openCDE) (implementation is an anticipated future phase of the initiative, and is not in scope of this initial scoping phase). This common data framework and openCDE are envisioned as foundational elements of a scalable and replicable ecosystem of interoperable CDEs to exchange construction information between regulators, practitioners and project/asset owners to support digital construction practices and ultimately increase sector productivity.

Sub-Project 1: Digitalization of National Model Construction Codes and Provincial / Territorial Codes

The National Model Construction Codes (National Codes) are currently in a Content Management System in XML fragments (generally one XML file per Code sentence). References to third party standards (e.g., CSA) are included in the Content Management System.

Content is currently published in a printable PDF format, including the following example of the 2020 National Building Code:

https://nrc-publications.canada.ca/eng/view/object/?id=515340b5-f4e0-4798-be69-692e4ec423e8

NRC also manages content and publication of selected Provincial / Territorial Codes on behalf of those jurisdictions.

Through this sub-project, the Contractor will lead the following tasks in close collaboration with NRC:

- a) Current state analysis (content, information architecture)
- b) Target state information architecture for codes digitalization and gap analysis

High-level implementation plan and roadmap for digitalization of national construction codes, including considerations for the digitalization of Provincial / Territorial codes and associated variations to the national codes.

Sub-Project 2: Development of a common data framework for Canada

Common Data Environments (CDE) are increasingly used by engineering and construction organizations as a common and consistent repository of project information, including a mix of file formats and as well as inputs to BIM models. However, adoption in Canada is still relatively slow, and broader collaboration across the value chain is constrained by inconsistent data standards and data exchange mechanisms, as well as limited use by regulators and asset owners.

This sub-project will focus on scoping and initial planning for the development of a national openCDE template for data exchange between construction sector organizations.

Information exchange in the construction sector occurs between consultants (e.g., architecture and engineering), contractors and regulatory agencies, though exchange is generally manual and with fragmented or inconsistent data standards. In addition to information exchange for design, construction and regulatory compliance purposes, it is anticipated that data collection and exchange associated with lifecycle building performance, including energy efficiency, carbon emissions and other sustainability metrics, will increase.

An openCDE will require robust and extensive data exchange capabilities. Having robust data interoperability measures allows for data to be used in multiple ways, significantly reducing the need to clean and curate data. Data exchange and interoperability standards will be a critical success factor for information exchange between practitioners, owners and regulatory agencies, and ultimately broader adoption of digital construction practices.

Since NRC currently has and will continue to develop codes, standards, datasets, guidelines, and other foundational information that will integrate with the openCDE template, the objective of this project is to development of an NRC- Open CDE platform and template where application programming interfaces (APIs) will connect the openCDE to a variety of tools used for simulation, analysis, compliance and validation. APIs will provide connections to external CDEs commonly used by consultants and contractors, Owners and Regulatory Bodies will be able to use the template openCDE as a foundation for their CDEs, thereby ensuring interoperability.

This scoping phase will further analyze key requirements for an NRC – OpenCDE, including but not limited to the following:

- Information Exchange: The ability to exchange information in a controlled, secure environment with the relevant entities in the required formats to promote data interoperability. The opportunity for NRC is the ability to intake information from owners and regulatory bodies in a standardized format, including emissions data as well as consistent tracking of information to incentivize sustainable, low-carbon solutions.
- Access to Digitalized Codes: The ability to view and access digitalized codes and other applicable content (e.g. referenced standards, specifications).
- **BIM Submission and Review Capabilities:** The ability for an organization to take in BIM models and related documentation and information. The dynamic portal will allow applicants and examiners to access their projects, it will provide Work in progress spaces and well as shared collaboration spaces to markup non-compliance issues and resolve and revise together much the way that other sectors in the industry collaborate today. The portal will also have clear published data that will be linked to a city information model.
- **BIM Compliance Checking Capabilities:** Ability to intake BIM and associated documents for research and regulatory purposes, for example, to capture sustainability metrics. The opportunity here is compliance checking for NRC's various codes, standards, and specifications. It allows for the checking of designs against to-be-developed performance-based codes.
- **BIM Analysis and Management Capabilities:** Verifying compliance with various codes, standards, and regulation using BIM tools. The NRC specific opportunity is the ability to extract carbon and sustainability information from the model for research purposes and to ensure compliance.
- **BIM/GIS Integration:** The ability to manage data in BIM models, manipulate BIM models, query and extract information from BIM, and connect the model and model objects to other documentation. It has the ability to identify compliance and environmental metrics by geographic area and it adds geography as a filtering tool to help amend codes and regulations.

• External Tool Integrations: Seamless integration with other tools aligned with data interoperability principles. The opportunity here is the ability to integrate with tools to determine carbon emissions, energy use, and mitigation opportunities.

Through this sub-project, NRC is seeking to analyze requirements, target state (may include options analysis), and a high-level implementation plan and roadmap for:

- An NRC CDE for the dissemination of digitalized Codes (National and selected P/Ts), and other content such as the National Master Specification and Canadian Construction Materials Centre content, for use by other participants in the built-asset lifecycle (e.g., municipalities, asset owners and architecture, engineering and construction firms;
- 2. A framework and template solution to encourage broader adoption of CDEs in the Canadian built-environment sector, enabled by harmonized data standards and data exchange mechanisms, with more efficient and effective collaboration between parties through CDE interconnection capabilities.

Through this sub-project, the Contractor will lead the following tasks in close collaboration with NRC:

- 1. National CDE
 - Current state analysis, including current NRC information technology cloud infrastructure/platforms/applications upon which a CDE could be developed or integrated with;
 - b) Scoping and requirements analysis, including identification of National CDE use cases and user types / personas;
 - c) Target state design (high-level)
 - d) High-level implementation plan and roadmap
- 2. Common Data Framework for an interoperable openCDE solution
 - a) Scoping and identification of potential national openCDE use cases and user types / personas.
 - b) Scoping of information / data types and formats for use with CDEs (e.g., BIM readable, other structured/semi-structured/unstructured data);
 - c) Scoping of functionality based on anticipated digital construction use cases (e.g., digital permitting & compliance verification, digital twins, etc.), including identification of third-party application categories (e.g., GIS, estimating, etc.) requiring integration capabilities;
 - Requirements and target state analyses for adoption of existing information standards (e.g., ISO 19650) and development of associated guidelines for harmonized CDE information management;
 - e) Requirements and target state analyses for development and optimization of data exchange mechanisms (e.g., Application Programming Interfaces APIs);
 - f) Identification of other information technology requirements (e.g., cloud infrastructure, platform/applications, security) and readiness criteria for CDE adoption by regulators, asset owners and project delivery practitioners;
 - g) Scoping and requirements analysis for data exchange mechanisms (e.g., APIs).
 - High-level solution architecture for an interoperable CDE; Standardize data exchange between industry, owners, and regulatory agencies. The openCDE concept requires standardized data exchange. ISO 19650 and openBIM standards will be used as they are industry best practices to promote open data and data interoperability.

- i) High-level implementation plan for the development and validation of a prototype CDE, including federation between a regulator CDE prototype, one or more owner/project CDE prototypes and the national CDE as described above (prototype development is not in scope of this phase of the project); and
- j) High-level roadmap for the development and implementation of a national Common Data Framework and scalable open CDE solution

Deliverables and Timeline

The following table describes deliverables and approximate timeline for Sub-projects 1 and 2 which will be carried out concurrently given interdependencies between the components (e.g., digitalized codes content, information standards, information exchange mechanisms, data framework and platforms).

Task or Milestone	Target Timing
Kick-off meeting	Week 1
 background material and inputs to analyses 	
 refinement of proposed methodology and approach; 	
 confirmation of project resources (NRC and Contractor); 	
 review of project timeline: establish expectations for ongoing 	
communications and identify contacts, discuss the provision of	
interim reports, and progress reviews and presentations.	
Current State Assessment	Week 8
 high-level review of current scope of National Model Construction 	
Codes, including content, process (Codes development and	
production) and governance (including the Canadian Board for	
Harmonized Construction Codes), as well as publication of selected	
Provincial / Territorial (P/T) Codes by NRC (on behalf of P/Ts)	
 high-level review of information architecture of Codes content and 	
content systems	
 high-level review NRC Information Technology landscape, including 	
existing and potential/planned cloud infrastructure, platforms and	
security, where potentially relevant to common data framework /	
environment capabilities	
Requirements Assessment	Week 16
 facilitate sessions with NRC and Contractor subject matter experts 	
(including but not limited to construction codes, digital construction	
and information management / information technology) to define and	
analyze requirements for the digitalization of codes and a common	
data framework (as a basis for Common Data Environments),	
including external information on digitalization and common data	
frameworks/environments (from industry and other jurisdictions, where available), and NRC specific requirements (national context	
for construction codes and digital construction objectives)	
Target State and Gap Analyses	Week 24
target state design (high-level) based on requirements assessment	
 options analysis where multiple solutions are feasible 	
 identification and analysis of gaps between current state and high- 	
level future state	
Implementation Plan and Recommendations	Week 30
development of a high-level implementation plan and roadmap for	WEEK SU
 development of a high-level implementation plan and roadmap for subsequent stages, including key milestones, estimated timelines 	
and resource needs. identification of key risks and assumptions	
 overall recommendations for target state and implementation 	

ANNEX "B" FINANCIAL PROPOSAL

Bidder must submit hourly rates and estimated hours for each task / deliverable below. Bidders may submit a blended rate for all resource types, or identify multiple resource types (e.g. Project Manager, Business Analyst, Solution Architect, Construction Codes Advisor, etc.) and associated rates.

Limitation of Expenditure for the scope of this project (sub-projects 1 and 2 combined) is \$350,000.00 CAD inclusive of taxes.

Task or Milestone	Resource Type(s)	Hourly Rate(s)	Estimated Hours (Sub-Project 1 & Sub-Project 2 Combined)	Estimated Budget (pre-tax)
Initial planning and kick-off meeting				
Current State Assessment				
Requirements Assessment				
Target State and Gap Analyses				
Roadmap and Recommendations				
TOTAL		I		

Total evaluated estimate (including tax):



ANNEX "C" EVALUATION CRITERIA

1.1 Mandatory Requirements

Proposals must address the mandatory requirement described below. This will be evaluated as either "Yes" or "No". Failure to meet the mandatory requirement will render the bidder's proposal non-responsive and it will not be considered further.

Proposals must clearly identify the firm's ability to meet the mandatory requirement (e.g., provide relevant proposal page numbers against the mandatory requirement).

Table 1: Mandatory Requirements

Requirement	Mandatory Criteria		Substantiating detail (Page #, Paragraph #)
M1. Digitalization of construction codes: demonstration of experience and understanding of methodology	The Bidder's project team must have knowledge and demonstratable experiences through previous project(s) (describe at least one relevant project) in advancing construction codes (national, provincial or other jurisdiction) from static / text formats towards a digitalized format (compatible with Building Information Models).		Written response (1-2 pages)
M2. Experience with information management standards for Building Information Modeling	The Bidder's project team must have knowledge and demonstratable experiences through previous project(s) (describe at least one relevant project) with information management standards and requirements for Building Information Modeling (BIM) in the built environment sector, including open BIM principles. Experience may be through one or a combination of research, adoption or application of BIM information standards.		Written response (1-2 pages)

1.2 Rated Requirements

Bidders must receive a minimum consensus score of 70 points in the Rated Requirements to be considered responsive and considered further. Scoring methodology will be as follows:

Table 2: Rated Requirements

Rated Requirements				
Requirement	Evaluation Criteria	Maximum Score	Score	Bidder to Reference Section / Page in Proposal

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R1. Project Team Experience	A multidisciplinary project team with expertise in building regulations, BIM, information management, data exchange, open Common Data Environments (open CDE) and digitalization of technical content, will be required to complete the tasks set out in the Statement of Work.	20 points
	 The project team would require skills with respect to the following: Expertise and experience (at least one member of the consultant team should have a minimum of five years of experience) in the development or adoption of BIM information standards (5 pts). Expertise (at least one member of the consultant team) in analyzing requirements, design and development of Common Data Environments, including in-depth understanding of open CDE principles (5 pts). Knowledge and familiarity (at least one member of the consultant team) with Canadian construction codes (National and Provincial) and permitting / compliance verification processes (provincial and municipal) (5 pts). Experience (at least one member of the consultant team) in the requirements, design and development of data exchange for CDEs or related information management platforms in the built environment sector (5 pts) 	
R2. Methodology / approach for Digitalization of Codes (Sub-Project 1)	The Bidder's proposal should demonstrate a clear understanding of the work involved in the digitalization of national construction codes, including specific current state assessment criteria, target state elements and success criteria, validation approach, potential challenges and risks, and implementation considerations.	20 points
R3. Methodology / approach for development of a national CDE (Sub-Project 2)	The Bidder's proposal should demonstrate a clear understanding of the work involved in the design of a common data framework and national open CDE, including specific categories of requirements to be validated, target state components, design considerations, dependencies, success criteria, validation approach, and success criteria.	20 points
R4. Methodology / approach for an interoperable CDE solution architecture and prototype validation (Sub-Project 2)	The Bidder's proposal should demonstrate a clear understanding of the work involved in the design and validation of a solution architecture for an interoperable CDE for wider adoption by built- environment sector organizations (regulatory, project delivery, owners, etc.), including specific data standard requirements, data exchange mechanisms to be developed, other information technology considerations (e.g. cloud infrastructure and platforms, security, third-party	20 points

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	applications, etc.), target state elements and success criteria, prototype development and validation approach, potential challenges and risks, and key dependencies.			
R5. Project work plan and level of effort	 The Bidder's proposal should include: An outline of the proposed work strategy, plan and schedule, including the proposed method of project management coordination and liaison with the NRC (10 pts); A project plan, including phases, sub-project interdependencies, milestones etc. (5 pts). 	15 points		
R6. Project management and quality control	The Bidder's proposal should include a general description of effective project management processes to be used to effectively manage the project, including management of scope, schedule, cost, quality, and risk, as well as the project team's proposed method of coordination and liaison with the NRC project team. (5 pts) .	5 points		
Total		100 points		