

RESPONSE PACKAGE

PSPC responses to Questions Taken on Notice Standing Committee on Government Operations and Estimates (OGGO) Nuctech Security Equipment Agreement November 18, 2020

Question 1: (Member Majid Jowhari) Are you in a position to be able to share the gap between the price that Nuctech provided and the price that the other two [respondents to the RFP] provided?

Response: PSPC is not in a position to provide this information as it is considered confidential business information and subject to protection under the provisions of the *Access to Information and Privacy Act*.

Question 2: (Member Majid Jowhari) Are any of the other two [respondents to the RFP] that were short-listed Canadian companies?

Response: Of the responsive offers received, one was from a Canadian company (VOTI, based in St-Laurent, Quebec).

Clarifications:

- 1. Member Majid Jowhari asked whether \$6.8 million referred to the estimated value of the contract for Nuctech or its bid.**

PSPC would like to clarify that the \$6.8 million was Nuctech's offer, based on estimated purchase quantities provided to offerors for evaluation purposes. The standing offer was issued at \$0, as the value would be determined by subsequent orders.

- 2. Member Irek Kusmierczyk stated that the Canadian International Trade Tribunal (CITT) had not yet made its reasons for its determination public and asked if PSPC had a sense of when that would happen.**

PSPC would like to correct the record after indicating during the meeting that the CITT's reasons for its determination were already public. To clarify, on October 26, 2020, the Canadian International Trade Tribunal (CITT) determined that the complaint by K'(Prime) Technologies Inc. was valid in-part and then issued its reasons on November 9, 2020. This information was recently published on its [website](#).

3. **Member Irek Kusmierczyk asked if the fact that PSPC was awarded costs as a result of this determination is something that occurs frequently. As part of its response, PSPC noted that it believed the awarded costs were \$575.**

PSPC would like to confirm that the *Canadian International Trade Tribunal Act* provides that the CITT may award costs in procurement proceedings. The CITT has a guideline for awarding such costs to the successful party, whether it be the complainant or the government institution. The guideline considers a flat rate system based on three levels of complaint complexity: Level 1 complexity - \$1,150; Level 2 complexity - \$2,750; and Level 3 complexity - \$4,700. The CITT has discretion to deviate from the flat rate system. In the K'(Prime) CITT complaint, the CITT determined that, in light of the outcome of the complaint (valid in-part), PSPC would be awarded costs in the amount of \$575, or half of the Level 1 amount.