



Procurement and Technical Collaboration in a Challenging Procurement Environment

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Introduction

- Extensive history of collaboration between the RCMP Procurement and Technical Authorities
- As the current Procurement and Technical Authorities on HBA, our specific collaboration spans the last 5 years
 - Our collaboration applies to other equipment items as well
- Note: RCMP Procurement provides advice and guidance to the Technical Authority and liaises with PSPC who is the Contracting Authority for HBA



The Ballistic Protective System

- Soft Body Armour (SBA) and Hard Body Armour (HBA) are critical pieces of ballistic protective equipment
- HBA is worn over SBA as part of a protective system when exposure to heightened threat levels is anticipated

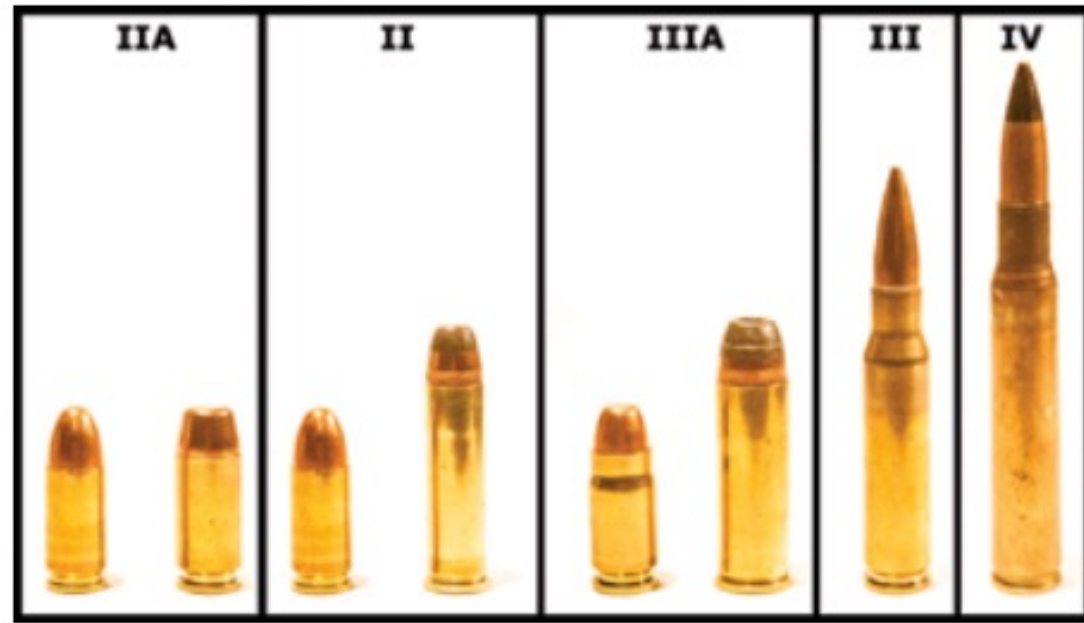


Body Armour Standards

- In North America, the primary standard used in assessing body armour is *Ballistic Resistance of Body Armour NIJ Standard-0101.06* published by the National Institute of Justice
- The purpose of this standard is to regulate the body armour industry and provide users with a compliant products list
- In order to be added to the NIJ compliant product list and use the NIJ mark, products must successfully undergo testing at an approved laboratory
- Test results are reviewed by NIJ and a Notice of Compliance is issued when the requirements are met



NIJ Classification



Armour Type	Test Round
IIA	9 mm FMJ RN
	.40 S&W FMJ
II	9 mm FMJ RN
	.357 Magnum JSP
IIIA	.357 SIG FMJ FN
	.44 Magnum SJHP
III	7.62 mm NATO FMJ
IV	.30 Caliber M2 AP



Factors Influencing the Evolution of HBA Procurement

- Equity, Diversity and Inclusion (EDI)
- Industry capacity
- Procurement process



Equity, Diversity and Inclusion

- GBA+
- Lower weight, various plate sizes
- Shift in officer demographics
- Health and safety impact / research on weight of equipment
 - Thorough environmental scan completed – ballistic threat exposure



Industry Capacity

The use of the Request for Information (RFI) process to become a more informed buyer with an enhanced understanding of hard body armour within industry.

- Warranty
 - Shift from 5 to 10 years
- Delivery
 - Awareness of current delivery status within industry
- Weight, shape, size, thickness
 - Move from single weight/size to multiple
- NIJ certification
 - Assurance that quality control standards and sound manufacturing processes are in effect and maintained
- Price
 - Understanding of supplier price points



Procurement Process

- Considerations and challenges throughout the various stages of the procurement process:
 - Planning and Solicitation
 - Evaluation
 - Award and Debrief
 - Contract Management



Procurement Planning and Solicitation

- Previous solicitations informed the evolution of subsequent procurement strategies in the following ways:
 - Contracts issued initially; shifted towards standing offers
 - Phased Bid Compliance Process (PSPC) included to reduce risk of non-compliance for a missing document
 - 2-step procurement process used to control access
 - Basis of selection changed from price only to a combination of price and technical
 - Additional documentation requested (Letter of Attestation for Resellers, Liability/Insurance)
 - Substitutions and waivers (labels)
- Warranty
 - Initially, 5-year warranty based on industry standard
 - Created new basis of selection (price per year of warranty = average prices divided by number of years of warranty offered)
 - Through the RFI process, increased to 10-year warranty as industry demonstrated capacity
- Transition to multiple sizes and the inclusion of the corresponding carrier
 - Evaluation in stages



Evaluation

During the evaluation phases, improvements to the documents that would provide more clarity on the technical requirements were noted, some of which included:

- Terminology section added (ex. multi-curve, shooter's cut)
- Language around warranty period (date of purchase vs. date of issue)
- Barcode clarification ("linear" added as other barcode types are not used by the RCMP)



Award and Debrief

- If a potential supplier has an issue with a procurement process and cannot resolve it directly with the Government Institution, they can file a complaint with the Canadian International Trade Tribunal (CITT)
- CITT's jurisdiction covers complaints for procurements subject to the trade agreements
- For the RCMP, the only applicable trade agreement for HBA is the Canadian Free Trade Agreement under Federal Supply Classification 84 (Clothing, Individual Equipment and Insignia)



CITT Complaints - HBA

- Complaint A
 - Our requirement – Rectangular shape with angled top corners, cover permanently bonded
 - Basis of Complaint – The Complainant believed the shape of their product met the requirements and the cover is an immaterial issue.
 - RCMP response – The angled bottom corner was not part of the requirement and adds exposure to threats. The unbonded cover hinders the use and insertion in the carrier (clearly specified in the requirement).
 - CITT decided not to conduct an inquiry – the information provided by the Complainant did not demonstrate a breach in the trade agreements.



CITT Complaints - HBA

- Complaint B
 - Our requirement – NIJ Notice of Compliance, multi-curve design
 - Basis of Complaint – The Complainant provided a website link to demonstrate compliance and believed that was adequate since they believed the technical requirements were unclear. The Complainant believed they did offer a multi-curve product.
 - RCMP Response – The Notice of Compliance, as requested in the RFSO is a formal letter from NIJ. The paperwork submitted may have been for a multi-curve but the samples provided for evaluation were single-curve.
 - CITT decided to conduct an inquiry and made a determination in favour of the Government Institution.
 - The RFSO stated that links to websites would not be evaluated.
 - The RFSO stated that the samples submitted must be representative of the offer (in this case, the single-curve samples did not match the data provided in the offer for a multi-curve product).
 - The onus is on the offeror to clarify any ambiguity in the requirements or to object to any alleged unreasonable criteria at the time it became known or ought to have been known (in this case, during the solicitation).



CITT Complaints - HBA

- Complaint C

- Our Requirement - NIJ compliant product
- Basis of the Complaint – At no time during the process was the Complainant’s product ever deemed “non-compliant” by NIJ
- RCMP Response – The product was suspended prior to the closing date of the RFSO and not disclosed by the Offeror during the solicitation process. A suspended product is defined as a temporary status when conditions for compliance are not met. The product remains on the Compliant Products List (CPL) but is distinguished from a fully compliant model while suspended.
- CITT made a determination in favour of the Complainant.
 - The Complainant provided the NIJ Notice of Compliance to demonstrate compliance as requested in the RFSO.
 - The RFSO did not request Offerors to provide proof of active status on the CPL – a new, undisclosed evaluation criteria was introduced in the technical evaluation which is contradictory to the requirements of the trade agreements.
 - Complainant was compensated for lost profits and complaint costs.
- Lessons learned
 - Incorporate active compliance status in requirements going forward
 - Ensure evaluation requirements are clearly articulated to ensure no new, undisclosed evaluation criteria are introduced during evaluation.



Contract Management

- Production Quality Issues
 - Example: a contract was terminated after multiple opportunities for corrective action were unsuccessful (label permanency, overall construction)
- Supply chain issues
 - Global events including the pandemic and the War in Ukraine impacted components such as plastics, ceramics, and foam
 - Manufacturers withdrawing from the Canadian market
- Lessons Learned included but not limited to:
 - A test method to assess label permanency was developed
 - Components and specific workmanship clauses were added to the technical documents
 - Additional supporting documentation was requested to demonstrate compliance to the technical requirements
 - Consideration was given to multiple standing offers, determined unsuitable for this item
 - Life cycle management was reviewed



Questions

Additional questions:
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