



Canadian Commercial Corporation  
Corporation Commerciale Canadienne

Government of Canada Defence and Security  
Export Sales Organization

Process for Government to Government Acquisitions  
Through the Canadian Commercial Corporation

# PROPRIETARY INFORMATION NOTICE RESTRICTIONS ON USE AND DISCLOSURE OF INFORMATION

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# THE CANADIAN COMMERCIAL CORPORATION

## INTRODUCTION

As the world was rebuilding in 1946, Canada had the means but not the mechanism to assist governments of other nations in their efforts. The Government of Canada responded with the creation of the Canadian Commercial Corporation (CCC). This new organization was formed to deliver the critical Canadian resources desperately needed by European Governments for reconstruction efforts and was designed to offer rapid acquisitions to meet critical needs while maintaining careful control over the significant public funds it was managing for these purchases.

In 1956, CCC was given responsibility for Government of Canada support of the Canada-US Defense Production Sharing Agreement (DPSA). Under the DPSA, CCC acts as prime contractor on almost all US Department of Defense purchases from Canada.

CCC has evolved since that time but remains true to its original commitment to provide governments around the world with access to quality Canadian products and services under its business lines of Global Defence and Security and International Commercial Business.

CCC is a Crown corporation, a government-owned enterprise, of the Government of Canada and is governed by its enacting legislation, the 1946 *Canadian Commercial Corporation Act*. The Act outlines CCC's broad mandate, which is to assist in the development of trade by helping Canadian companies access government procurement markets abroad and by helping governments of other nations obtain products (and services) from Canada through government to government contracts.

The legislation also provides CCC with a range of powers, including the ability to export products (and services) from Canada either as principal or as agent in such a manner and to such an extent as it deems appropriate.

CCC is the export sales organization of the Government of Canada that promotes acquisitions from Canada by governments of the other nations through commercial advocacy and government to government contracting.

For more information on the *Canadian Commercial Corporation Act* visit:  
<http://laws-lois.justice.gc.ca/eng/acts/C-14/>

## CANADA'S INTERNATIONAL TRADE PORTFOLIO

CCC reports to the Parliament of Canada through the Minister of International Trade and annually tables in Parliament a Corporate Plan and an Annual Report that contains the results of implementing the Corporate Plan. CCC, in conjunction with Foreign Affairs, Trade and Development Canada (DFATD) and Export Development Canada (EDC), forms the Government of Canada's International Trade Portfolio. The portfolio is structured in such a way that all the portfolio organizations are mandated with complimentary roles to ensure the best results for Canadian companies doing business internationally.

- DFATD provides diplomatic representation through 174 offices worldwide and undertakes economic diplomacy to support bilateral relations.
- EDC is the Government of Canada's export credit agency and provides financing and insurance solutions to support trade.
- CCC is the Government of Canada's government to government contracting organization that provides a contracting mechanism for acquisitions from Canada.

*Requests for CCC's services can be made by contacting CCC directly or by contacting Embassies and Canadian High Commissions.*

# WHAT CAN BE PURCHASED

Any defence and security goods that are manufactured in Canada or services provided in Canada and that are available for export from Canada.

## KEY CANADIAN DEFENCE CAPABILITIES

CCC provides simplified access to Canada's world-class defence and security technologies and expertise. The defence and security solutions can be customized for non-standard requirements delivered on a timely basis.

CCC can source supply in the following areas:

### Air, Land, Sea Platforms

- Armoured Vehicles & Survivability Systems
- Special Mission Aircraft & Aircraft Missionization
- Surface Combatant Ships
- Joint Support & Off-Shore Patrol Ships
- In-Service Support Solutions

### Protecting the Soldier

- Small Arms & Ammunition
- Chemical/Biological/Radiological/Nuclear Equipment & Soldier Systems
- Medical Technologies
- Human Systems Integrations

### Command and Support

- Command, Control & Communications Systems
- Intelligence, Surveillance & Reconnaissance Systems
- Shelters

### Training Systems

- Interactive Maintenance Trainers
- Live-fire Training & Weapon Systems
- Close Combat Tactical Trainers
- Flight, Land & Naval Dynamic Synthetic Environments

### Cyber-Security

- Intrusion Protection Systems
- Critical Infrastructure Protection Systems
- Voice, Data, & Video Networking Solutions

For more information on assets available for purchase: Contact the local Canadian Defence Attaché, or contact CCC directly.

## SURPLUS CANADIAN ARMED FORCES EQUIPMENT

CCC can also sell surplus military equipment that is being retired from use by the Canadian Armed Forces (CAF). Purchases of CAF equipment "as is" can be made through CCC or through the Department of Public Works and Government Services Canada military surplus branch.

Should the equipment require upgrading or refurbishment, CCC can arrange for a Canadian firm to undertake the upgrade work as part of a government to government contract.

## WHAT CAN BE EXPORTED

CCC can enter into a contract with most sovereign governments and governmental organizations for defence and security solutions. CCC can work with all levels of government – national, subnational and municipal. Some defence purchases will be subject to Canada's Department of Foreign Affairs, Trade and Development Export Permit approvals, as detailed below.

### REQUEST APPROVALS REQUIRED

Some transactions require special approvals for CCC participation.

Purchases Requiring Special Approvals:

1. Sales valued over \$100M CDN require approval by the CCC Board of Directors
2. Sales for the delivery of infrastructure projects require approval by the Minister of International Trade and Minister of Finance
3. Sales for the delivery of services over \$2 billion CDN in value, and 15+ years in duration require approval of the Minister of International Trade and Minister of Finance

### EXPORT CONTROLS

Some products purchased through CCC will require an Export Permit. Export controls give the Government of Canada the power to control the export of goods and technology from Canada. Responsibility for the issuance of Export Permits lies with Export Controls Division of the Department of Foreign Affairs, Trade and Development. The Canadian supplier will make the request to the Export Controls Division to grant the Export Permit.

For further details, see the **Military and Strategic Goods and Technology** section of the Export Control List: [http://www.international.gc.ca/controls-controles/about-a\\_propos/expor/guide-2013.aspx?lang=eng](http://www.international.gc.ca/controls-controles/about-a_propos/expor/guide-2013.aspx?lang=eng)

### AUTOMATIC FIREARMS COUNTRY CONTROL LIST

Some products purchased through CCC will additionally require the buying country to be placed on Canada's Automatic Firearms Country Control List (AFCCCL) as an approved export destination. Certain prohibited firearms, weapons, devices, or components thereof that are included on the Export Control List may be exported only to destinations on the Automatic Firearms Country Control List and only to consignees that are government or authorized by government.

Canada can place a country on the AFCCCL when there is an inter-governmental defence, research, development, and production arrangement with a country such as a Defence Cooperation Agreement or Defence Materiel Cooperation Agreement.

For further details see the AFCCCL approved country list at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-91-575/FullText.html>

### OTHER RELEASABILITY ISSUES

In cases where a product or service is subject to the International Traffic in Arms Regulations (ITAR) of the United States, there will be a releasability review. The releasability review process involves determining if the technology involved is releasable by the US for export, and is undertaken by the US DoD. If the sale involves a system with technology that has not been previously approved for export to the purchasing country, this process will generally take longer than if the system has previously been approved for export. The US DoD reviews each proposed sale or transfer of defence items or services and then provides a recommendation to the US Department of State, which then informs the applicant of its decision. The Department of State has the final authority for ITARS restricted material. The length of the review process is difficult to estimate due to many variables.

# THE PROCESS FOR GOVERNMENT TO GOVERNMENT ACQUISITIONS FROM CANADA

CCC is the Government of Canada’s defence and security export sales organization. CCC has the mandate to support foreign government acquisitions from Canada through government to government contracts backed by a Government of Canada guarantee of contract performance.

## Step 1 BUYER MAKES REQUEST TO CCC



### Requirement Definition and Procurement Strategy

While the purchasing government is in the requirement definition stage and is considering which procurement strategy will yield the most effective approach, the project lead may request a meeting with CCC to better understand the option of working with Canada for a government to government acquisition. CCC can provide a briefing to explain Canada’s foreign military sales program for acquisitions from Canada.

*To request a briefing from CCC, contact the local Canadian Embassy or High Commission Trade representative. They will coordinate a meeting or call based on the buyer’s needs.*

### Determine Request Type

The buyer determines the type of request as pricing and availability (P&A), competitive proposal or unsolicited proposal. A response to a request for pricing and availability data will be strictly for planning purposes, and is not intended as an offer for sale. A request for either a competitive or unsolicited proposal may result in CCC providing an offer to sell defence and security products and services, depending upon the nature and

availability of the specific defence and security products/ services being requested.

Please identify any international competitions/ solicitations related to the purchase, if any. CCC can respond to an international solicitation for defence equipment or services with a competitive proposal. If the purchasing country has issued an international solicitation, request for information (RFI), or request for proposal (RFP), note this detail in the request and include copies of any documents so that the response meets all of the requirements specified in the solicitation, RFI, or RFP.

CCC may not enter into or commit Canadian firms to any offset agreement. Responsibility for negotiating offset arrangements and satisfying all related commitments resides with the Canadian firm involved. CCC will not include offset arrangements in the proposal. However, the Canadian contractor may request offset costs be included as part of the line item(s) unit cost in P&A data and in the estimated prices quoted in a proposal.

### Provide Details For Request

- Specify who and what organization is making the request (Army, Navy, Air Force, or other agency). Include as much detail as possible, including:

full name, phone number, mailing address, and email address.

- Describe the type of equipment desired, including as much detail as possible. Identify the preferred Canadian supplier, or describe the operational requirement for the request and CCC can offer a list of Canadian suppliers.
- Indicate the request type as competitive proposal, unsolicited proposal, or pricing and availability data. Identify any international competitions that may be related to the purchase.
- If required, indicate any additional facilities (or modification to existing facilities) to house, support, and maintain the new equipment.

- Provide the budget amount for the request, and the source of funding for the project. If required as part of the budgeting and approval process, indicate in the maximum initial deposit and appropriate timing for the payment.

#### Send Request to CCC

A request may be sent directly to CCC by contacting the CCC Regional Director. Alternatively, the request can be sent to the Canadian Embassy or High Commission.

Please refer to the Contact Information section.



Step  
2

## CCC INFORMATION GATHERING



### CCC Response To Request

CCC acknowledges the expression of interest from the buyer with a timeframe for a full response. CCC will confirm whether the buyer is expecting pricing and availability data for budgeting purposes or a competitive or unsolicited proposal as the basis for a contract.

CCC will inform the buyer immediately if CCC is unable to provide a solution or required information. If supply is available from Canada, CCC will engage with the buyer's preferred Canadian supplier or suggest options for the buyer's selection.

### The Exploratory Meeting

CCC works with the buyer and supplier to establish the framework for the transaction, including the agreement on use of commercial contracting approach or foreign government procurement regulations, and use of Canadian, domestic or third country arbitration proceedings.

CCC works with the buyer and supplier to explore the risk mitigation mechanisms that will allow the buyer to mitigate any perceived risk in the most economical manner for the project, such as the use of advance and progress payments, financial security and insurance requirements.

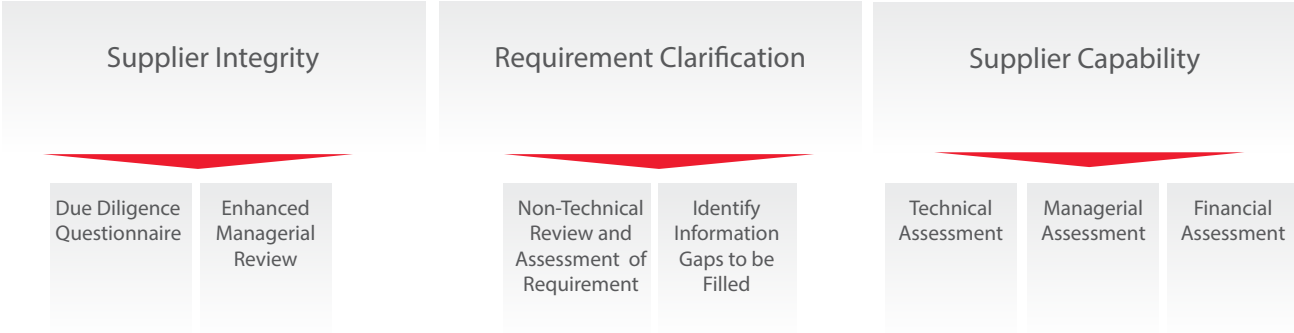
*When a government seeks to collaborate with Canada, CCC can become involved and elevate the collaboration to a government to government engagement through a Memorandum of Understanding.*

### MOU Drafting and Signature (Optional)

Where the buyer needs a Memorandum of Understanding (MOU) as a policy instrument, the MOU would outline a mutual commitment to explore how our two sovereign nations could work together on procurements. The MOU allows CCC and the buyer to explore how CCC's government to government mechanism for directed contracting can facilitate acquisitions from Canada. This non-binding arrangement addresses how CCC and the buyer would work together for purchases. If mutually agreed, a signing ceremony can be arranged to commemorate the event.

Step 3

INTEGRITY COMPLIANCE AND DUE DILIGENCE ON CANADIAN SUPPLIER



CCC has a proven due-diligence process and knowledge of Canadian suppliers. Prior to contracting with a Canadian supplier, CCC assures itself that the Canadian supplier proposed to undertake the work for the buyer has the capability to deliver the project.

Integrity Compliance Due Diligence Questionnaire and Certificate of Compliance

The supplier must complete a mandatory Due Diligence Questionnaire, which requests information on supplier business ethics and use of agents or other representatives. CCC requires the supplier to sign a certificate of compliance for the information provided.

If CCC believes further due diligence on the integrity of the supplier is required, a full Enhanced Managerial Review is undertaken. CCC will assess whether a company has taken appropriate measures to prevent bribery and corruption by assessing whether the supplier’s programs, processes and systems are designed to reduce the likelihood of illegal or unethical acts from occurring.

Project Requirement Clarification

At this step, CCC has a Canadian supplier with which it can engage with the buyer to clarify the project requirements. CCC works with the buyer to scope the project to be delivered and to clarify expectations around the project. CCC undertakes a non-technical, common sense review and assessment of the requirement to ensure that CCC and the supplier are clear about the requirement for proposal development.

CCC and supplier identify any information gaps that need to be filled, such as potential operating challenges

and product life cycle issues if harsh conditions exist locally, or detailed specifications that the buyer may have developed for sophisticated pieces of equipment.

Technical/Managerial/Financial Due Diligence of Canadian Supplier

Once clarity is achieved on the requirement, the Canadian supplier must also provide CCC with information on its technical, managerial and financial capability to deliver on the proposed project.

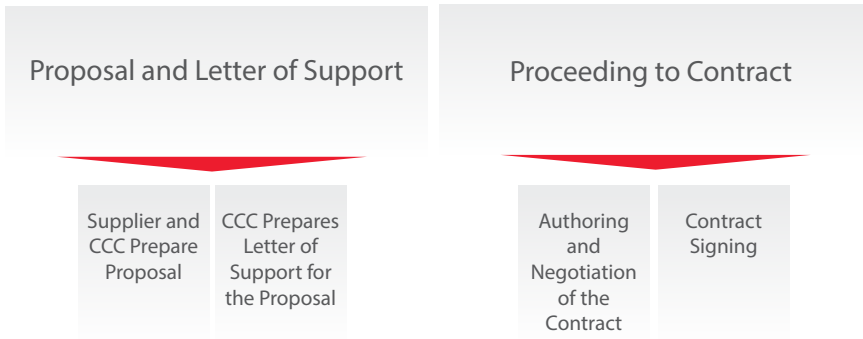
In its technical due diligence, CCC will establish that 1) the technical expertise of the supplier is sufficient to meet the requirements of the project, 2) the supplier has the capacity to undertake the project, and 3) the risk of the product or service not being available through alternate sources has been analyzed. CCC may undertake site visits to supplier locations, as required.

In its managerial due diligence, CCC will establish that 1) the supplier has a management team capable of carrying on the business of the firm during the life of the CCC contract; 2) the supplier has a project team capable of managing the project; and, 3) the supplier has previously managed successful export contracts in markets with similar risk profiles to that of the proposed project.

- In its financial due diligence, CCC will establish that
1. the risk of supplier insolvency during the contract period is mitigated;
  2. the supplier’s cash-flow capacity is adequate to meet the project’s cash-flow demands; and,
  3. the supplier can withstand cost overruns commensurate with the risk of the project.

Step  
4

PROPOSAL DEVELOPMENT AND CONTRACT NEGOTIATION



Supplier and CCC Prepare Proposal

The supplier will either prepare pricing and availability data, an unsolicited proposal, or a competitive proposal based on the request received from the buyer. The degree of detail contained in the proposal will be determined by the type of proposal required.

A price and availability proposal will contain a rough estimate of numbers for budget planning, and will contain significantly less detail than a proposal.

Unsolicited and competitive proposals include a technical proposal and financial proposal for buyer consideration. The supplier will require access to the buyer to clarify any questions on the requirements as the proposal is being developed. CCC reviews the proposal and drafts the contractual language for the offer.

CCC may also issue to the buyer a Letter of Support, which may be conditional or unqualified depending upon the extent and status of the due diligence of the supplier and the project that CCC has undertaken at that time. This letter indicates to the buyer that CCC would be willing to participate in the arrangement, as a prime contractor to the buyer, depending on the negotiation of a mutually acceptable contract and depending upon the satisfaction of the conditions.

Proceeding to Contract

CCC works together with the buyer and the supplier to assist in the structuring of the contract to reflect the final technical proposal and the results of discussions around cost, scheduling and financing for the project and such commercial terms and conditions as are mutually acceptable to all parties. Finally, CCC will explore the buyer’s need for payment to be held in trust with CCC and will seek a waiver of bonding requirements by the buyer given the Government of Canada/CCC contractual commitment of contract performance.

Contract Signing

If mutually agreed, a signing ceremony can be arranged to commemorate the event. With the consent of the buyer, a news release will be issued from the Office of the Canadian Minister of International Trade.

Concurrent Domestic Contract Negotiation

CCC negotiates any terms and conditions necessary to put the domestic contract in place with the Canadian supplier. The buyer’s unabridged contract with CCC forms the basis of the domestic contract with the supplier. CCC prepares and arranges documents regarding supplier’s guarantees, parental guarantees, security deposits, insurances etc. CCC notifies the buyer that the domestic contract is in place.

Step  
5

## MANAGEMENT OF THE CONTRACT



### Completion of Contract Effort

CCC ensures supplier performance requirements are completed per the terms of the contract. CCC manages warranty obligations per the terms of contract. The buyer has direct access to the supplier for resolution of technical issues. CCC engages should the solution to the technical issue require a contract amendment.

### Contract Amendments

CCC manages any Canadian supplier re-certifications and new approvals for amendments to contracts. All changes are negotiated by CCC and documented in the contract terms. All contract amendments become part of the contract which is managed by CCC. CCC performs administration of contract terminations.

### Contract Management Planning

All funds from the buyer flow through CCC to the Canadian supplier. CCC establishes a contract management team and develops the Post-Contract Management Plan for the project. The contract management team is responsible for:

- Monitoring supplier performance of the contract.
- Overseeing implementation of contract terms that are required immediately after award .
- Performing post-award liaison with the supplier and buyer.
- Monitoring supplier performance leading to

deliveries in accordance with the Contract and the Contract Management Plan.

- Conducting/attending Progress Review Meetings, as required.
- Applying the process identified in the contract for resolution of technical or administrative problems, as required.

### Financial Administration

CCC is responsible for the financial administration of the contract. This responsibility includes management of financial securities, funds advanced by the buyer, as well as payment for approved progress claims and invoices.

CCC issues progress reports for project and financial activities related to the contracts as per the contract. These progress reports may include Contract Reports, which detail the status of the project in terms of expenditures and deliveries, and Statement of Account Reports.

### Financial Close Out

CCC resolves any outstanding payables/receivables and resolution of contract balance. Any unused portion of the advance is returned to the buyer upon contract close out.

# THE BENEFITS OF GOVERNMENT TO GOVERNMENT ACQUISITIONS FROM CANADA

The CCC approach has a special quality that significantly reduces the commercial risk for a purchasing government. The risks reduced are those that would normally be associated with an open call for proposals, including the confidential nature of certain defence and security acquisitions, the investment in substantial up-front tender preparation costs, and the commercial risk and potential delay of the award of a contract to an, as yet, unidentified party.

Most nations' procurement laws and regulations include exceptions for urgent acquisitions and for acquisitions for national security purposes – which will allow the use of government to government arrangements. If a government has used the Foreign Military Sales option offered by the United States Department of Defense, then the purchasing government may have used this exception to acquire products or services on a government to government basis.

Aside from the avoidance of extensive tender costs and time delays, there are many elements inherent in the CCC approach which provides value across a balanced

scorecard of success factors.

## THE CANADIAN PACKAGE

CCC works closely with Canada's Department of National Defence (DND) and the Canadian Armed Forces (CAF) to meet the needs of purchasing governments, while also supporting Canada's defence relationship with its allies and partners.

Under the coordination of the Materiel Group's Director General International and Industry Programs, DND/CAF support is available for Canadian defence materiel sales where unique military capabilities or defence expertise is required, subject to operational priorities.

*Aside from the avoidance of extensive tender costs and time delays, there are many elements inherent in the CCC approach which provides value across a balanced scorecard of success factors.*

## CCC VALUE PROPOSITION

### Fast and Simple

- Expedited acquisition process on a government to government basis with CCC
- Access to any technology or expertise commercially available and approved for export from Canada
- Customized solutions to defence and security needs for non-standard requirements delivered on a timely basis

### Enhanced Bilateral Relationship

- Reinforcement of political, economic and security relationship
- CCC, as Prime Contractor, brings the Government of Canada's support to the acquisition from identification of the Canadian supplier to the end of the warranty period
- CCC can hold the purchasing government's advance payments in trust until contract execution

### Reduced Acquisition Risk

- Government of Canada assurance that the contract will be performed according to the agreed terms and conditions that often results in the elimination of costs associated with bonding
- Due diligence conducted by CCC on Canadian supplier's technical, financial and managerial capability to satisfy CCC of the supplier's ethical business practices and ability to deliver on the contract
- Purchasing government has direct access to Canadian supplier during contract execution for technical issues arising through the length of the contract
- Mitigation of project risks and assurance of ethical business practices with CCC contract monitoring throughout the length of the contract

## CCC COMMITMENT TO ETHICAL BUSINESS PRACTICES

### CCC ACCOUNTABILITY TO PARLIAMENT AND ITS OTHER STAKEHOLDERS

CCC, as a Crown corporation of the Government of Canada, is accountable to numerous stakeholders including its Shareholder—the Government of Canada, customers, employees and the larger domestic and international community.

The Office of the Auditor General of Canada conducts annual financial audits of CCC's financial statements as well as periodic special examinations of the Corporation and its performance. The Office of the Auditor General of Canada provides the Parliament of Canada with independent information, advice, and assurance regarding CCC's business practices and stewardship of public funds.

CCC must conduct its business in a transparent manner by filing a summary of its Corporate Plan and an Annual Report with the Parliament of Canada each year, through the Minister of International Trade. Further, the *Financial Administration Act* requires that CCC prepare and make public quarterly financial reports within 60 days after the end of CCC's fiscal quarter.

### PRUDENT MANAGEMENT OF RISK

CCC has established a comprehensive Enterprise Risk Management (ERM) Program for the management of risks. This Program identifies the strategic, operational and transactional risks facing CCC. It also sets out the processes for their management in the areas of risk identification, assessment, response, control, monitoring, reporting, and communication. The Board of Directors annually reviews the ERM Program and assesses whether or not changes are needed.

### CODE OF CONDUCT AND BUSINESS ETHICS

CCC views business ethics as fundamental to successful business practices. Operating ethically means, at a minimum, conducting its affairs in accordance with the letter and spirit of the applicable laws of the countries in which CCC does business and complying with the *Canadian Corruption of Foreign Public Officials Act*.

In addition, CCC requires its employees to conduct business with honesty, integrity and fairness. CCC's *Code of Conduct and Business Ethics* defines the Corporation's commitment to ethical conduct, the environment and human rights. It also spells out the policies and

procedures that govern the behaviour of employees of the Corporation including conflict of interest. All employees sign an annual statement confirming they are in compliance with the requirements set out in this Code.

## CCC SUPPLIER COMMITMENT TO ETHICAL BUSINESS PRACTICES

### INTEGRITY COMPLIANCE

CCC is committed to fulfilling its mandate with a high standard of integrity. CCC requires the same level of commitment to personal integrity from all persons with whom the Corporation conducts business. CCC has a mandatory requirement that its Canadian suppliers complete a Due Diligence Questionnaire revealing any and all criminal convictions of the company and its principals for which a pardon has not been granted.

Where CCC is aware that the supplier (or any of its principals or related companies) is under investigation (or has been convicted of, or charged with an offence) under the *Corruption of Public Foreign Officials Act*, (or any other similar legislation which involves illegal business practices, whether in Canada or elsewhere), CCC is required to complete an Enhanced Managerial Review of the company to determine whether the company has demonstrated that it has taken appropriate measures to prevent further offences from being committed.

### CONTRACTUAL LANGUAGE

All CCC domestic contracts with Canadian suppliers include language dealing with corruption and bribery and international sanctions. This language creates affirmative obligations on the Canadian supplier to behave in a manner consistent with the expectations of the Government of Canada. CCC Prime Contracts are typically based on international contracting standards.

### MONITORING

The manner and extent of monitoring will depend on the nature, extent (both duration and value) and location of the project covered by the Prime and Domestic Contracts. In some instances, it may be appropriate to require periodic compliance reports by the Supplier and, possibly, verification by CCC compliance personnel or a third party (counsel, accountant, or consultant) of the source information that the reports are based on.

## CONCLUSION

There are many benefits to exploring a government to government contracting approach with the Government of Canada. CCC appreciates the opportunity to engage with senior officials of the purchasing government to discuss how a government to government approach with Canada might make plans a reality.

## CONTACT CCC TODAY

For further information or to discuss a priority acquisition, please contact:

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