

ACKNOWLEDGMENT AND DECLARATION

THIS DECLARATION IS MADE BY:

(CORPORATE NAME OF BIDDER)
(hereinafter referred to as "...")

IN THE MATTER OF THE

**139839 TASK-BASED INFORMATICS PROFESSIONAL SERVICES
REQUEST FOR PROPOSAL AND ASSOCIATED TIE BREAKER**

WHEREAS:

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- A. A request for proposal was solicited by Citizenship and Immigration Canada ("CIC") on June 4, 2012, and closed June 14, 2012;
 - B. Following thorough review of the bids by CIC, two identical low bids were identified, one of which belonging to (COMPANY);
 - C. The procedure outlined in the Treasury Board Contracting Policy at subsection 10.8.17 and in the PWGSC Supply Manual at Chapter 5.65, was followed and the bids were reviewed according to the criteria therein; and
 - D. The criteria were weighted by the contracting officer and it was determined that the tie continues to apply.
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NOW, THEREFORE, THIS ACKNOWLEDGMENT AND DECLARATION is given to CIC:

- A. (COMPANY) agrees that, as a method of last resort, a coin toss is an acceptable and fair solution to break the tie between (COMPANY) and the other identical low bidder;
- B. The coin toss will be conducted in the offices of CIC, at (ADDRESS), in the presence of both identical low bidders and their representatives, as applicable, and CIC Departmental representatives;
- C. The coin will be tossed three times, and the party who called or was assigned the face-up side of the coin two out of those three times will be the successful party;
- D. (COMPANY) accepts to be bound by the results of the "best two out of three" coin toss, such that the winner will be awarded the contract from the aforementioned request for proposal process numbered 139839; and

E. (COMPANY) will keep the terms of this Declaration, the coin toss, and all discussions related thereto strictly confidential and shall not disclose or discuss, directly or indirectly, the contents or substance of same to any person other than legal counsel or financial advisor, except as may be required by law.

IT IS HEREBY UNDERSTOOD by (COMPANY) that the coin toss is a continuation of the aforementioned request for proposal process numbered 139839.

AND IT IS HEREBY DECLARED AND ACKNOWLEDGED by (COMPANY) that the terms of this Declaration are fully understood by them, that they have had an opportunity to obtain independent legal and other professional advice with respect to the terms of this Declaration, and that this Declaration is given voluntarily by them for the purpose of making a full and final resolution of all matters related to the competitive process hereof including all claims or potential claims as referred to herein.

IF ANY PORTION of this Declaration be held by a court of competent jurisdiction to be invalid and of no force and effect, all remaining provisions of this Declaration shall otherwise remain in full force and effect and be construed as if such invalid portion had not been included herein.

THIS DECLARATION shall be governed, interpreted, construed and enforced in all respects by and under the laws of the Province of Ontario, including the federal laws applicable in Ontario.

IN WITNESS WHEREOF, (COMPANY) has executed this Declaration through the signature of its duly authorized representative as of the (DAY) of (MONTH), 2012.

(COMPANY NAME)

I have authority to bind the
Corporation

Per: _____

Name: _____

Title: _____

Witness

(NAME)