

Advance Contract Award Notice

1. Advance Contract Award Notice (ACAN)

An ACAN is a public notice indicating to the supplier community that a department or agency intends to award a contract for goods, services or construction to a pre-identified supplier, thereby allowing other suppliers to signal their interest in bidding, by submitting a statement of capabilities. If no supplier submits a statement of capabilities that meets the requirements set out in the ACAN, on or before the closing date stated in the ACAN, the contracting officer may then proceed with the award to the pre-identified supplier.

2. Definition of the requirement

Statistics Canada has a requirement to collect statistics on the production and consumption of cannabis, medical and non-medical, both before and after the expected legalization of cannabis this summer. In particular, the Agency will be collecting information on cannabis consumption through the analysis of municipal wastewater. The supplier is expected to be able to perform analyses for multiple municipalities (perhaps 15 or 20), on a monthly basis. The supplier will be responsible for assisting municipalities in the implementation of appropriate sampling techniques, in performing the analyses, and in communicating the results to the agency. The analysis will be for cannabis metabolites, and may include other drugs as well.

3. Criteria for assessment of the Statement of Capabilities (Minimum Essential Requirements)

Any interested supplier must demonstrate by way of a statement of capabilities that its product/equipment/system (as appropriate) meets the following requirements:

1. To ensure that the analyses are of sufficient quality to be released as part of the Agency's ongoing statistical products, suppliers must be compliant with the standards established by the European SCORE network (Sewage analysis CORE group – Europe), which are the only existing international standards for wastewater analysis. In particular, the supplier's laboratory must be accredited by the SCORE network.
2. The supplier must have sufficient capacity to assist municipalities and perform analyses for approximately 20 municipalities, on a monthly basis, with the results of the analyses to be made available to the Agency not more than 15 days following the supplier's receipt of the samples from the participating municipalities.

4. Applicability of the trade agreement(s) to the procurement

This procurement is subject to the following trade agreement(s):

- Canadian Free Trade Agreement (CFTA)
- World Trade Organization - Agreement on Government Procurement (WTO-AGP)
- North American Free Trade Agreement (NAFTA)
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

5. Set-aside under the Procurement Strategy for Aboriginal Business (N/A)

6. Comprehensive Land Claims Agreement(s) (N/A)

7. Justification for the Pre-Identified Supplier

No other laboratory in Canada is known to be currently accredited by the SCORE network. As a result, there is no assurance that analyses of sufficient quality can be performed in time for the pre-legalization analyses of wastewater, other than by the 3Cs laboratory at McGill University.

8. Government Contracts Regulations Exception(s)

The following exception(s) to the Government Contracts Regulations is (are) invoked for this procurement under subsection:

- 6(d) - "only one person is capable of performing the work").

9. Exclusions and/or Limited Tendering Reasons

The following exclusion(s) and/or limited tendering reasons are invoked under the:

Canadian Free Trade Agreement (CFTA)

Article 513 1(b) if the goods can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- (iii) Due to an absence of competition for technical reasons

North American Free Trade Agreement (NAFTA)

Chapter 10 - Article 1016.2 (b) – where, for works of art, or for reasons connected with the protection of patents, copyrights or other exclusive rights, or proprietary information or where there is an absence of competition for technical reasons, the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists.

World Trade Organization - Agreement on Government Procurement (WTO-AGP)

Annex 4(b), Article XIII 1 (b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- iii. due to an absence of competition for technical reasons;

Canada-European Union Comprehensive Economic and Trade Agreement CETA

Article 19.12 (b) if the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- (iii) Due to an absence of competition for technical reasons;

10. Ownership of Intellectual Property

Canada intends to retain title to any intellectual property arising from the proposed contract as the primary purpose of the contract is to generate knowledge and information for public dissemination.

11. Period of the proposed contract or delivery date

The proposed contract is for a period of one (1) year, from date of contract award with options to extend up to two (2) additional one (1) year periods.

12. Cost estimate of the proposed contract

The estimated value of the contract, including option(s), is not to exceed **\$600,000.00** (GST/HST extra).

13. Name and address of the pre-identified supplier

3Cs Laboratory
3610 University Street, 7th floor
Department of Chemical Engineering
McGill University
Montreal, Quebec
H3A 2B2

14. Suppliers' right to submit a statement of capabilities

Suppliers who consider themselves fully qualified and available to provide the goods, services or construction services described in the ACAN may submit a statement of capabilities in writing to the contact person identified in this notice on or before the closing date of this notice. The statement of capabilities must clearly demonstrate how the supplier meets the advertised requirements.

15. Closing date for a submission of a statement of capabilities

The closing date and time for accepting statements of capabilities is February 26, 2018 at 2:00 p.m. EST.

16. Inquiries and submission of statements of capabilities

Inquiries and statements of capabilities are to be directed to:

Nathalie Sielatycki, Coordinator, Material and Contracting Services
E-mail: nathalie.sielatycki@canada.ca