

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.

If other potential suppliers submit, during the posting period of 15 calendar days, a statement of capabilities that meets the requirements set out in the ACAN, the department or agency shall award the contract to proceed to a call for complete tender or through the system's electronic tendering, either through a traditional tender.

1. Definition of requirement

Statistics Canada is continuing to conduct physical health measures, including drawing blood, collecting urine and DNA samples. The survey, the Canadian Health Measures Survey (CHMS), requires the continued use of the Centaur XP for analyzing blood samples to produce results which are reported back to respondents and are added to the data files for access by researchers. The Centaur is a multi-test analyzer which depending on the test kit used, can produce data on most of the blood tests, including lipids, foliate, insulin, reproductive hormones, and thyroid levels.

In order to keep the Centaur XP operating and maintained, Statistics Canada needs to purchase Siemens standard extended maintenance service.

2. Criteria for assessment of the Statement of Capabilities

Minimum Essential Requirements

Any interested supplier must demonstrate by way of a statement of capabilities that it is able to meet the following requirements:

The required maintenance services must include:

- Maintenance on this equipment requires a factory trained Field Service Rep that has obtained the training certificate on Centaur XP
- 24/7 unlimited telephone support. From Monday to Friday: 8:30 AM to 4:30 PM for on-site support (excluding national holidays)
- The typical response time for this type of agreement is less than 2 hours by telephone, and less than 24 hours on site (excluding weekends and national holidays).
- Perform annual Preventive Maintenance and perform necessary emergency repairs on Centaur XP.
- The replacement parts (All service parts included with the service contract).
- Unlimited emergency repair calls from 8:30 AM to 4:30 PM (local time) Monday to Friday (excluding national holidays)
- Yearly scheduled preventive maintenance visit*, on week days and during business hours.

- All necessary replacement parts as determined by Siemens to be marginal, likely to fail, or defective.

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

This requirement is subject to the North American Free Trade Agreement (NAFTA), Canada Peru Free Trade Agreement (CPFTA), Canada Colombia Free Trade Agreement (CCFTA), Canada Chile Free Trade Agreement (CCFTA).

This requirement is not subject to the Agreement on Internal Trade (AIT), and the World Trade Organization Agreement on Government Procurement (WTO-AGP).

4. Government Contracts Regulations Exception(s)

The following exception in the Government Contracts Regulations is invoked for this procurement under subsection: *subsection 6(d) - "only one person is capable of performing the work"*.

5. Exclusions and/or Limited Tendering Reasons

The following exclusion(s) and/or limited tendering reasons are invoked *under the section of the trade agreement(s) specified*:

Limited Tendering Provisions in accordance with the Trade Agreements:

- North American Free Trade Agreement (NAFTA)

The rationale for a sole source recommendation is also specified under Limited Tendering Provisions in accordance with the Trade Agreements article 1016.2 (d): - for additional deliveries by the original supplier that are intended either as a replacement parts or **continuing services for existing supplies**, services or installations, or as the extension of existing supplies, services or installations, where a change of supplier would compel the entity to procure equipment or services not meeting requirements of interchangeability with already existing equipment or services, including software to the extent that the initial procurement of the software was covered by this chapter.

6. Justification for the Pre-Identified Supplier

As Siemens is the manufacturer, distributor, and service provider for the Siemens Centaur XP analyzer, they are the proprietary holder of the knowledge and parts to repair, maintain and calibrate their instrument. Similar to other propriety instruments that require specific service through the manufacturer, the Centaur XP requires a Siemens service technician to perform the maintenance.

Without this maintenance service, there would be risks of failure to be able to analyze blood samples, and possible loss of sample integrity.

7. Ownership of Intellectual Property.

The ownership of intellectual property will remain with the contractor.

8. The period of the proposed contract

ACAN #: 1920-0003578

The proposed contract period is estimated to commence on 1 January 2014 and run until 31 December, 2017.

9. A cost estimate of the proposed contract

The estimated value of the contract is \$ 99,277.37 (including tax).

10. Name and address of the pre-identified supplier

Siemens Canada Ltd.
1577 North Service Road
Oakville, ON, L6H 0H6

11. 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.

12. The closing date for a submission of a statement of capabilities.

The closing date and time for accepting statements of capabilities is December 16th, 2013 at 2:00 p.m. EDT.

This requirement is posted for a period of 15 calendar days: from November 28th, 2013 to December 16th, 2013, 2:00 p.m. EDT.

13. Inquiries and submission of statements of capabilities

Inquiries and statements of capabilities must reference the ACAN Number in all correspondence are to be directed to:

Brooke Monette
Contracting Advisor
Statistics Canada
150 Tunney's Pasture Driveway
Main Building - SC 1405 L
Ottawa, Ontario K1A 0T6
Fax: 613-951-2073
macsbids@statcan.gc.ca