



## **ADVANCE CONTRACT AWARD NOTICE (ACAN)**

### **1. Definition**

An Advance Contract Award Notice (ACAN) allows departments and agencies to post a notice, for no less than fifteen (15) calendar days, indicating to the supplier community that it intends to award a good, service or construction contract to a pre-identified contractor. If no other supplier submits, on or before the closing date, a Statement of Capabilities that meets the requirements set out in the ACAN, the competitive requirements of the government's contracting policy have been met. Following notification to suppliers not successful in demonstrating that their Statement of Capabilities meets the requirements set out in the ACAN, the contract may then be awarded using the Treasury Board's electronic bidding authorities.

If other potential suppliers submit Statement of Capabilities during the fifteen calendar day posting period, and meet the requirements set out in the ACAN, the department or agency must proceed to a full tendering process on either the government's electronic tendering service or through traditional means, in order to award the contract.

### **2. Requirement**

The Contractor will provide to NRCan two (2) year maintenance and support services as well as parts and labour on their micro-focus x-ray diffraction for X-ray generation.

### **3. Coverage**

The coverage includes all onsite labour and repair for two (2) Preventative Maintenance service visits per year. Emergency service visits, as deemed necessary. A 72 hour/best effort onsite service response is available.

Repair hours are Monday through Friday 8:00 a.m. to 5:00 p.m. Saturday, Sunday and recognized holidays are excluded.

One (1) anode rebuild (includes rebuild kit, Cu anode cup, balancing, labour and shipping) to be used during the contract period.

**Contract Period:** From date of award of contract to March 31, 2014, plus **one (1)** additional **one (1)** year option period under the same terms and conditions.

### **4. Trade Agreements**

#### **Applicable Limited Tendering Provision under NAFTA (Article 1016.2)**

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;

#### **Applicable Limited Tendering Provision under AIT (Article 506.12)**

506.12(a) - to ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative

#### **Applicable Limited Tendering Provision under Canada-Chile (Article Kbis-09)**

Kbis-09 (b) - protection of exclusive rights, such as patents or copyrights, or in the absence of competition for technical reasons, the products or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists



## **Applicable Limited Tendering Provision under Canada-Peru / Canada-Colombia (Article 1409)**

1409 (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:

- (i) the requirement is for a work of art,
- (ii) the protection of patents, copyrights or other exclusive rights, or
- (iii) due to an absence of competition for technical reasons;

### **5. Estimated Cost**

The estimated maximum value of the contract is \$26,401.50, US Dollars for the initial period plus \$26,401.50 for the option period for a total value of \$52,803.00, US Dollars, excluding all applicable taxes.

### **6. Exception to the Government Contracts Regulations and applicable trade agreements**

Sole Source Justification - Exception of the Government Contract Regulations (GCR):

- (d) Only one person or firm is capable of performing the contract

The Contractor is the manufacturer of the specialized equipment and the only one able to provide the annual maintenance and support services, along with the labour and parts for the replacement and rebuilding of the rotating anode; since the warranty of the instrument expired in 2011.

Details of the instrument and its parts are not known to third parties.

### **7. Name and Address of the Proposed Contractor**

Rigaku Americas Corporation  
9009 New Trails Drive  
The Woodlands, Texas  
USA  
77381

### **8. Inquiries on Submission of Statement of Capabilities**

Suppliers who consider themselves fully qualified and available to provide the services/goods described herein, may submit a Statement of Capabilities in writing, preferably by e-mail, to the contact person identified in this Notice on or before the closing date and time of this Notice. The Statement of Capabilities must clearly demonstrate how the supplier meets the advertised requirements.

### **9. Closing Date**

The closing date for submitting statements of capabilities is:

Closing Date: **12 March 2014**  
Closing Time: **2:00 p.m. EDT**



## 10. Contract Authority

Valerie Holmes  
Senior Procurement Officer  
Natural Resources Canada  
615 Booth Street, 4<sup>th</sup> Floor.  
Ottawa, ON  
K1A 0E9  
Telephone: (613) 943-3580  
Fax: (613) 996-1024  
E-mail : [valerie.holmes@nrcan-rncan.gc.ca](mailto:valerie.holmes@nrcan-rncan.gc.ca)