



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. Definition of Requirement

Natural Resources Canada (NRCan) will be purchasing technical support for a number of software programs that have been purchased, such as: ANSYS AUTODYN, ANSYS Mechanical, ANSYS HPC and ANSYS Design Modeller. The software is used to simulate explosive effect on structures. This technical support helps to ensure accurate and timely simulation of explosive tests; tests that could otherwise cost up to \$40K per year.

3. 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;



4. Term of Contract

The term of the contract shall be from approximately **October, 2014** to **September 30, 2015**, plus four (4) additional one (1) year option periods under the same terms and conditions as the initial contract; however rates will be negotiated each option year.

5. Estimated Cost

The estimated value of the initial contract is \$30,131.62 CAD, plus \$31,000.00 for each additional option period for a total value of approximately \$155,000.00.

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 vendor has exclusive ownership and rights to the software as they are the developer and the technical enhancements and customer support can only be purchased directly from ANSYS.

7. Name and Address of the Proposed Contractor

ANSYS Canada Ltd.
#21 - 283 Northfield Drive East
Waterloo, Ontario
N2J 4G8

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 **17 October 2014** at **2:00 p.m. EDT**.

10. Contract Authority

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