



Advance Contract Award Notice (ACAN) for Legal Services – Trust Expertise

The National Energy Board (NEB) has identified a requirement for Legal Services with Trust Expertise to:

- I. Review trust documents and other information to be submitted to the Board as a result of the MH-001-2013 decision
- II. Provide advice, direction or guidance to NEB staff based on this preview
- III. Provide training to NEB staff, if requested, as it relates to trusts.

The purpose of this ACAN is to provide public notice indicating to the supplier community that NEB intends to award a contract for these services to Horne Coupar, Barristers and Solicitors. Before awarding the contract however, the government would like to allow other potential suppliers to signal their interest in bidding and demonstrate they are capable of satisfying the requirements by submitting a Statement of Capabilities within the 15 calendar day posting period.

If no other potential 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.

Definition of the requirement

In order to comply with the MH-001-2013 decision, each NEB-regulated pipeline company proposing a trust is required, among other things, to file their trust agreement for Board approval by 2 September 2014. The MH-001-2013 decision also requires all NEB-regulated pipeline companies filing trusts to apply for approval of their trustee by 2 September 2014. The Board must assess the suitability of each trust that is filed, including whether the trust agreement complies with the relevant portions of the MH-001-2013 decision (e.g. the indicative terms set out in Appendix VI of the decision). The period of time over which the Board's assessment will take place is referred to below as the "compliance phase".



On an as-needed basis, the contractor will:

- 1) Review trust documentation and information that is filed with the Board during the compliance phase. The contractor's review, which can be in the form of an assessment report to NEB Staff (either written or oral, as requested by staff), will advise NEB Staff on appropriateness of the proposed trust agreements, and any other information that is filed with the Board.
- 2) The Contractor's review may be used to solicit further information or to assist the NEB in considering information filed with the Board during the compliance phase. The contractor may be requested to create and/or provide input (either written or oral, as requested by staff) for the preparation of information requests or to review and comment on draft decision documents.
- 3) Examine trust agreement and other information filed with the NEB during the compliance phase. (Deliverable 1: Analysis of the trust documentation and related information filed with the NEB).
- 4) Identify any potential gaps, deficiencies, or unsubstantiated conclusions in the filings, and work with NEB Staff to consider and prepare recommendations for obtaining further information as appropriate (Deliverable 2: Assessment of need and preparation of requests for further information).

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

Any interested supplier must demonstrate by way of a statement of capabilities:

- i. Expertise and experience in legal consulting relating to trusts
- ii. Thorough understanding of the role of indicative terms of trusts in the Reasons for Decision: Set –aside and collection mechanisms (MH-001-2013)
- iii. Availability of key personnel who may be assigned to provide services related to the performance of work under the contract



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

This procurement is not subject to any trade agreement(s)

5. Justification for the Pre-Identified Supplier

The topic is of a specialized nature and Horne Coupar Barristers and Solicitors has the unique expertise required and is capable of performing the contract.

8. Government Contracts Regulations Exception(s)

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

9. Period of the proposed contract or delivery date

The proposed contract is for a period of four (4) months from November 1st 2014 to February 28th 2015.

10. Cost estimate of the proposed contract

The estimated value of the contract is \$ 27,000.00 (GST/HST extra).

11. Name and address of the pre-identified supplier

Horne Coupar, Barristers and Solicitors



612 View Street, 3rd Floor
Victoria, BC
V8W 1J5

12. Suppliers' right to submit a statement of capabilities

Suppliers who consider themselves fully capable of providing the 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.

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

The closing date and time for accepting statements of capabilities is November 3rd, 2014 at 2:00 p.m. MDT.

14. Inquiries and submission of statements of capabilities

Inquiries and statements of capabilities are to be directed to:

Owuor Okiro
Procurement Technical Analyst,
National Energy Board
517 Tenth Avenue, SW
Calgary, AB T2R 0A8
Tel: 403-604-6254
Fax: 403-292-5503
Email: Owuor.okiro@neb-one.gc.ca