

ADVANCE CONTRACT AWARD NOTIFICATION (ACAN)

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 statements 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.

1. Requirement Definition

Library and Archives Canada (LAC) has a requirement for training on the monetary appraisal and on Canadian copyright legislation for Canadian archival materials, as well as laying the groundwork for the development of new or revised Canadian standard(s) for archival description and new approaches to Canadian metadata services. All work of this type has historically been contracted to a private service provider. This situation will continue for the foreseeable future, as LAC has no current plan to develop the capacity to do this type of work because there is a limited need for it. Without these services, there would be no training on monetary appraisal and copyright legislation for archival materials or new standards and approaches to the description of and access to archival materials developed.

The required services must be offered in French and in English including the following:

- a) Training on Canadian monetary appraisal of archival materials and the National Archival Appraisal Board (NAAB). Specifically this includes training on:
 - How monetary appraisal is done;
 - How an archivist prepares for a monetary appraisal; and
 - How fair market value is determined.
- b) Training on Canadian Copyright legislation for archival material both in the classroom and on-line. Specifically this includes training on:
 - Awareness of how the new Copyright Act impacts our work;
 - Best practices for negotiating copyright; and,
 - Various options for the assignment of copyright and/or waiver of moral rights.
- c) Holding a national consultation effort on the current Canadian professional standard for archival description. Specifically this includes the provision of findings on:
 - The relationship of Rules for Archival Description (RAD) to other archival standards such as those issued by the International Council on Archives, as well as relevant

- standards in other allied professions (libraries, museums, galleries, etc.);
 - Discussions of how this new standard meet the requirements of both analogue and digital archival material;
 - Explore compatibility issues between the potential new and previous versions of RAD.
- d) Sharing of metadata from various archival repositories across Canada. Specifically this includes work on:
- Negotiating a standard way to grant copyright permissions with Canadian archives currently contributing descriptions to Archives Canada; and,
 - Exploring new and innovative ways of distributing these descriptions including, but not limited to linked open data.

The Canadian Council of Archives is the only supplier that has the ability to provide these services.

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 meets the following requirements:

- Minimum of two (2) years' experience in the last five (5) years in providing (in both French and English) each of the services outlined in the Requirement Definition
- Recognized leadership in the Canadian archival community

Interested supplier must provide supporting documentation in the form of one (1) customer reference which includes the contact name, title, company name, address, city, province/state, postal code/zip code, phone number, fax number and email.

3. Schedule

All work is to be performed on an "as and when required basis".

4. Applicability of the trade agreements to the procurement

This procurement is subject to the following trade agreements

- Agreement on Internal Trade (AIT)
- North American Free Trade Agreement (NAFTA)
- World Trade Organization – Agreement on Government Procurement (WTO-AGP)
- Canada-Chile Free Trade Agreement (CCFTA)
- Canada-Peru Free Trade Agreement (CPFTA)
- Canada-Columbia Free Trade Agreement (CCoIFTA)
- Canada-Panama Free Trade Agreement (CPanFTA)

5. Ownership of Intellectual Property

It is understood and agreed that Canada will retain ownership of the Intellectual Property generated by the proposed contract as per Treasury Board Guidelines, Policies directives under the Crown and has invoked exception 6.5 where the Foreground consists of material subject to copyright, with the exception of computer software and all documentation pertaining to that software.

The full policy is available on the Treasury Board Web Site at the following address: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=13697>

6. Government Contracts Regulations Exception(s)

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

7. Period of proposed contract

- The proposed contract is for a two (2) year period, from December 15, 2014 to December 14th, 2016.
- The proposed Contractor grants to the Government of Canada the irrevocable option to extend the term of the Contract by up to two (2) additional one (1) year periods.

8. Cost estimate of the proposed contract

An estimate of the cost of the proposed contract upon signature is:

Initial contract period – December 15th, 2014 to December 14th, 2016, \$300,000 CDN;
Option period 1 – December 15th, 2016 to December 14th, 2017, \$100,000 CDN;
Option period 2 – December 15th, 2017 to December 14th, 2018 \$100,000 CDN.

The estimated value of the proposed contract, including options is \$500,000 CDN (GST/HST is included).

9. Justification for the Pre-Identified Supplier

The Canadian Council of Archives is the only private sector provider that can supply this unique suite of archival services. The Canadian Council of Archives is able to meet all of Library and Archives Canada's needs as expressed in the Requirements Definition.

10. Name and Address of the pre-identified supplier

The Canadian Council of Archives
130 Albert Street, Suite 1201
Ottawa, Ontario
K1P 5G4

11. Suppliers' right to submit a statement of capabilities

Suppliers who consider themselves fully qualified and available to provide all the services described herein, 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 Minimum Essential Requirements.

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

The closing date and time for accepting statements of capabilities is November 28th, 2014 at 2:00 PM EST.

13. Inquiries and submission of statements of capabilities

Inquiries and statement of capabilities are to be directed to:

Martine Rodier
Senior Contracting Officer
Library and Archives Canada
550 de la Cité Blvd
Gatineau, Québec
K1A 0N4

Tel. : 613-404-1421
E-mail: martine.rodier@bac-lac.gc.ca