



ADVANCE CONTRACT AWARD NOTICE (ACAN)

1. Title

Annual Geosoft Maintenance and Support for Geosoft Oasis Montaj software

2. 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.

3. Definition of Requirements

The purpose of this contract is to obtain routine annual maintenance, software updates and technical support for GeoSoft software. The routine maintenance and support services are to obtain the following:

- Product upgrades
- Patches
- Fixes
- Renames

Support includes:

- Telephone (hot line support); and
- Web support

4. Trade Agreements

Applicable Limited Tendering Provision under WTO-AGP (Article XV.1)

XV.1 (a) - 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 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

5. Title to Intellectual property

This procurement action will not result in the development of any intellectual property.



6. Contract Period

The contract will be for a one year period from date of contract award with the option to extend the contract for **four (4)** additional **one (1)** year periods.

7. Estimated Cost

The estimated maximum value of the contract is \$561,738.29, including all applicable taxes and all optional periods.

8. 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

Under the Trade Agreements in Section #3 an entity may use limited tendering procedures in the following circumstances and subject to the following condition:

for works of art, reasons connected with protecting patents, copyrights, other exclusive rights, or proprietary information or where there is an absence for technical reasons, the goods or services can be supplied by a particular supplier and no reasonable alternative or substitute exists;

Geosoft Inc. is the sole seller of the Geosoft suite of Oasis montaj software within North America and is the only company that holds the IP to the software and can therefore be the only one to provide the maintenance and support for our existing system.

9. Name and Address of the Proposed Contractor

Geosoft Inc.
207 Queens Quay West
Suite 810 PO Box 131
Toronto, Ontario
M5J 1A7

10. 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.

11. Closing Date

The closing date for submitting statements of capabilities is **26 June 2015 at 2:00 PM EDT**.

12. Contract Authority

Valerie Holmes
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