



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

### **1. Title**

Provision of Subscriber Lists and Writing Services

### **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. Background**

The Office of Energy Efficiency is mandated to strengthen and expand Canada's commitment to energy efficiency in order to help address the Government of Canada's policy objectives.

The ecoENERGY Efficiency for Vehicles program, which sunsets March 31, 2016, aims to reduce energy use and emissions from transportation in Canada. Included under this program, Natural Resources Canada (NRCan) delivers a Canadian version of the United States Environmental Protection Agency's SmartWay Transport Partnerships (SmartWay) initiative, which encourages freight companies to make their operations as energy efficient as possible.

SmartWay is an industry collaboration to connect shipper companies that purchase freight transportation services such as retailers, manufacturers, logistic providers and carrier companies that transport goods by truck, rail or barge, to work together to reduce their fuel use and emissions.

### **4. Definition of Requirements**

The Program is looking to directly and reliably reach specific target audiences within the freight transport sector.

#### **Project Considerations:**

Recruiting new members is fundamental to SmartWay's development and success. Getting companies to join involves raising the awareness and expanding the visibility of the SmartWay brand within industry to enhance brand value for prospective and existing partners.

The program has limited access to prospective partners through traditional communication channels such as television, radio, newspapers, one-on-one meetings with clients or by participating at conferences or trade shows.

Communicating via email is a low-cost, direct and viable approach provided that up-to-date mailing lists are available. However, developing and maintaining mailing lists for industry groups that are in constant fluctuation can be prohibitively costly.

The program is looking to directly and reliably reach the various target audiences to promote and to help grow the SmartWay partnership base.



NRCan seeks to contract the services of a company with comprehensive and current subscriber lists of business contacts for shipper, logistics and carrier companies in Canada. Using the subscriber lists, the contractor would have the capability to send out regular emails on behalf of NRCan.

The program additionally requires the services of technical trade writers with knowledge of the freight transportation industry to develop partner profiles and feature articles that showcase partner success stories resulting from participation in the program.

## 5. Project Requirements

### 5.1 Goods - The Contractor must provide the goods as specified:

5.1.1 Provide subscriber lists of business contacts for truck, multi-modal companies, logistics providers and freight shippers such as manufacturers and retailers.

### 5.2. Services - The Contractor must perform the work as specified. The services may include, but are not limited to the following:

5.2.1 Develop six (6) articles profiling Canadian SmartWay Partners. Each profile (maximum 800 words) will be posted on the SmartWay website and will include the following:

- Company profile: Company location, business line and contact information.
- Company message: Company goals and how it overlaps with the SmartWay goal, one quote from a company representative such as: the CEO, Fleet Manager or Environmental/Sustainability Manager.
- Reasons for joining SmartWay: Benefits as a SmartWay Partner.
- Strategies used to reduce fuel and emissions:
- Looking ahead: Sustainability plans for the future.

5.2.2 Develop two (2) feature articles (maximum 1000 words) showcasing Canadian companies that support SmartWay goals. Approximately four quotes from company representatives. One article will be targeted at a shipper audience and one targeted at carriers; each article will be posted on the SmartWay website.

### 5.3 Services - The Contractor must perform the work as specified. The services may include, but are not limited to the following:

5.3.1 The Contractor will send out six email messages to SmartWay target audiences. The text will be prepared by NRCan. (Emission dates TBD.)

5.3.2 The Contractor will provide NRCan with technical specifications needed to develop any hyperlink or other functions (if needed) and will collaborate with NRCan staff.

5.3.3 The Contractor will review and test the integrity of the specifications provided by NRCan.

5.3.4 The Contractor will provide NRCan with a draft copy of the final concept for the e-mail, to be reviewed and approved by the project authority.

5.3.5 Upon NRCan approval, the Contractor will send the e-mails on the dates to be determined by the project authority.

### 5.4 Services - The Contractor must perform the work as specified. The services may include, but are not limited to the following:

5.4.1 The Contractor will ensure that the SmartWay program has a presence at one trade show each year. The Contractor will distribute materials on behalf of NRCan at these venues.



## 6. Deliverables

The Contractor will be responsible for the coordination and management of the following project deliverables:

- 6.1 Six (6) eblasts to shipper, logistic and carrier companies using subscriber lists provided by the contractor. (Dates TBD by contractor)
- 6.2 Six (6) SmartWay partner profiles (NRCan will provide names of companies to be profiled)
- 6.3 Two (2) feature stories (NRCan will provide names of companies to be featured)
- 6.4 The Contractor will submit test versions for six (6) eblasts, draft copies of six (6) partner profiles, two (2) feature stories, in electronic format (NRCan's standard desktop word processing software which is currently Microsoft Office 2003)
- 6.5 One (1) trade show i.e. distribute information materials on SmartWay's behalf.

## 7. 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.

### ***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;

## 8. Title to Intellectual property

The lists provided by the Supplier is the sole property of the Contractor, which is allowing NRCan to use. Therefore, the IP shall vest with the Contractor.



## 9. Contract Period

The period of the contract shall be from date of award of contract to **March 31, 2016**, with the possibility of **five (5)** additional **one (1)** year option periods, if needed.

## 10. Estimated Cost

The estimated maximum value of the contract is \$307,812.00.00 including all optional periods and applicable taxes.

## 11. 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

NewCom is the only company in Canada that can provide the following, which is imperative to our program success:

- A subscription/distribution list that reaches *all* SmartWay audiences (carriers, shippers/logistic companies);
- SmartWay is a national program that represents *all* members of the freight transportation sector including small, medium to large *carriers, shippers* and *logistics* companies.
- Other than NEWCOM, there are no associations/companies that can provide a comprehensive list of Canadian companies in the freight transportation sector.
- Newcom offers the most effective, controlled and consistent approach to a comprehensive reach of SmartWay audiences that include carrier, shipper and logistic companies.
- Newcom maintains controlled subscriber lists that are regularly updated and that target the full range of SmartWay audiences
- Newcom's audited subscriber list includes access to the number of French and English trade writers who have long-standing understanding of the issues and knowledge of the freight transportation industry. The bank of Newcom writers has long-standing relationships with its subscribers and therefore easier access to the freight company contacts. Newcom's familiarity with its audiences facilitates the programs role when seeking participation of potential SmartWay companies to be profiled.

## 12. Name and Address of the Proposed Contractor

Newcom Business Media Inc.  
80 Valleybrook Drive  
Toronto, Ontario  
M3B 2S9

## 13. 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.

## 14. Closing Date

Closing Date: 03 July 2015  
Closing Time: 2:00 p.m. EDT



## 15. Contract Authority

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