



ADVANCE CONTRACT AWARD NOTICE (ACAN)

1. Title

Annual service contract for scanning electron microscope TESCAN VEGA-3 LHM s/n 115-0191

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

Natural Resources Canada (NRCan) acquired a scanning electron microscope (SEM) from TESCAN which was installed on-site on February 6, 2016. The manufacturer has provided NRCan with a guarantee that the SEM will operate within specifications for a period of one-year. This one year period has expired in February 2017. Scheduled annual maintenance is required on the SEM to allow it to perform within optimal specifications.

4. Objectives

The manufacturer will perform annual service(s), as required, to the TESCAN VEGA-3 LHM scanning electron microscope to minimize unexpected downtime and maximize the lifespan of the microscope.

5. Project Requirements

5.1 Tasks, Deliverables, Milestones and Schedule

Tasks & Deliverables

Preventive maintenance

The service will include cleaning the interior components of the SEM and checking that the instrument is operating within manufacturer specifications. NRCan will establish a convenient date with TESCAN to perform the routine preventive maintenance. The date will be established according to the operational schedule of the instrument and the availability of the TESCAN technicians.

The routine service maintenance will be performed by a specialized technician within a period of no more than one week. The service will consist of:

- Disassembling the electron source and the electron path column;
- Cleaning all the parts of the electron source and the electron column;
- Re-assembling the electron source and the column;
- Replacing apertures;
- Replacing filters and oil from the vacuum pumps;
- Checking the vacuum of the instrument;
- Fixing electronic parts that are found not working optimally; and



- Checking that the instrument is fully operational.

Repair maintenance

The SEM has many electronic circuits interfacing with many mechanical parts. The instrument malfunctions if any of these mechanical and/or electronic circuits fails. In case of a malfunction, the staff at NRCAN will place a demand for service to the vendor. The repair service cannot be fully specified before it occurs. The service performed by an SEM specialized technician consists in general of:

- Diagnosis of the problem;
- Identification of the malfunctioning part;
- Fixing or replacing the part; and
- Checking that the instrument is fully operational.

Reporting Requirements

For each service visit the TESCAN technician will provide a written field report describing:

- the type of service, either preventive or repair maintenance;
- the problem as described by the staff of CANMET;
- the diagnosis of the problem;
- the parts that were fixed;
- the parts that were replaced; and
- the test of the instrument after the service.

5.2 Method and Source of Acceptance

All deliverables and services rendered will be inspected by the staff at NRCAN who shall have the right to reject any deliverables that are not considered satisfactory, or require their correction.

6. 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 Canada-Chile (Article Kbis-09)

Kbis-09 (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 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;

Applicable Limited Tendering Provision under Canada-Honduras (Article 17.11)



17.11 (b) a good or service being procured can be supplied only by a particular supplier and a reasonable alternative or substitute does not exist because:

- (i) the good or service is a work of art,
- (ii) the good or service is protected by a patent, copyright or other exclusive intellectual property right, or
- (iii) there is an absence of competition for technical reasons;

Applicable Limited Tendering Provision under Canada-Panama (Article 16.10)

16.10 (b) the procurement can be carried out only by a particular supplier and a reasonable alternative or substitute does not exist because:

- (i) the requirement is for a work of art,
- (ii) a good or service being procured is protected by a patent, copyright or another exclusive right, or
- (iii) of the absence of competition for technical reasons;

Applicable Limited Tendering Provision under AIT (Article 506.12)

506.12(b) - where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists; (CAP code 71)

Applicable Limited Tendering Provision under Canada-Peru Free Trade Agreement (Article 1409)

1 (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;

7. Contract Period

The contract period shall be from March 21, 2017 to March 20, 2018 inclusive. The Contractor grants to Canada the irrevocable option to extend the term of the Contract by up to three (3) additional one (1) year period(s) under the same conditions

8. Estimated Cost

The estimated maximum value of the contract is between \$130,000.00 to \$135,000.00 USD, including all option years.

9. 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 contractor must:

- 1) Have access to replacement parts, manuals and schematics for the TESCAN VEGA-3 LHM SEM; and
- 2) Ensure that services outlined in 5.1 will not violate the long-term guarantee of the TESCAN VEGA-3 LHM SEM as provided by the manufacturer
- 3) The service to be performed on the TESCAN SEM must be provided by skilled technician(s) who possess the necessary training and experience to maximize the SEM's performance and longevity.



TESCAN USA INC is the only provider that can meet all of the criteria above as well as the project requirements in paragraph 5.1 & 5.2. They do not sell any parts, or provide training for servicing equipment, to third party vendors. They employ skilled technicians who have the capability to service the TESCOAN SEM. These technicians possess the necessary training, experience and access to TESCOAN parts and manuals to maximize the SEM's longevity and performance.

10. Name and Address of the Proposed Contractor

TESCAN USA INC

765 COMMONWEALTH DRIVE
WARRENDALE, PA 15086-7520
USA

11. 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.

12. Closing Date

Closing Date: 20 March 2017
Closing Time: 2:00 p.m. EDT

13. Contract Authority

Len Pizzi
Procurement Officer
Natural Resources Canada
183 Longwood Road South
Hamilton, ON
L8P 0A5
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