



File # 84084-17-0167

Closing date: November 06 2017 at 14:00 Hrs MST

Advance Contract Award Notice (ACAN) for Strategic Management of Regulatory & Enforcement Agencies (SMREA) Course

The National Energy Board (NEB) requires the services of a suitably qualified course instructor to prepare and provide an interactive instructional seminar on site for senior regulatory executives on Strategic Management of Regulatory & Enforcement Agencies.

Purpose of the ACAN

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 Professor Malcolm Sparrow. 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

The NEB requires the development and delivery of a program consisting of executive level instruction modeled on and comparable to other similar executive programs delivered on Strategic Management of Regulatory & Enforcement Agencies at leading Schools of Government such as John F. Kennedy School of Government at Harvard. The program will cover the following general issues, highly pertinent to regulators and enforcement agencies worldwide:

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

Any interested supplier must demonstrate by way of a statement of capabilities, ability to prepare and deliver a course that covers, but is not limited, to the following:

The instructor must have at least 10+ years of experience with this scope of course delivery at an executive level to Canadian, USA and international regulators across a



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variety of industries as well as published books on topics included below directly related to the strategic development of regulatory practice.

- i. In a risk-control or regulatory setting, how is *success* defined, and how might it best be measured
- ii. How can *preventive work* be assessed and supported
- iii. What does it mean to adopt a "risk-based" approach
- iv. What does it mean to be *vigilant* with respect to novel, emerging, or invisible risks
- v. How should different parts of the risk-management task be allocated among regulators, industry, and third parties. How do such structural decisions relate to ideas about prescriptive regulation, performance-based regulation, responsive-regulation, self-regulation, etc. When should one model be preferred over another
- vi. In designing regulatory, compliance, or risk-control operations, what are the fundamental design dilemmas that need to be resolved. What are the consequences of the various design choices available.
- vii. As regulators pick and choose what to work on and what methods to use, what are the essential types of discretion involved. What values count in governing the choices that have to be made
- viii. What type of partnerships should regulators form with diverse stakeholder groups, without compromising on their regulatory mission
- ix. How can executives focus their agencies on specific harm-reduction objectives if the harms don't align with any established piece of the organizational structure and are not addressed by existing processes
- x. How should professional regulators respond to "de-regulatory" winds and other political pressures
- xi. The Strategic Public Management Model, and its application to regulatory settings.
- xii. Fundamental design dilemmas common across all regulatory domains.
- xiii. The distinctive nature of problem-centric (as opposed to program-centric) work.
- xiv. The role of analysis in supporting effective risk-control, problem-solving or compliance- management operations.
- xv. Special classes of risks (such as catastrophic risks, invisible risks, risks involving adversaries, etc.) that complicate the task of controlling them.

Applicability of the trade agreement(s) to the procurement

This procurement is subject to the following trade agreement(s):

1. NAFTA;
2. WTO-AGP
3. CFTA



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Justification for the Pre-Identified Supplier

The client has determined that the identified service provider and the specialised services they provide fully meet the requirements of the NEB as stated in the minimum essential requirements stated in this notice under Statement of Capabilities.

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".

Period of the proposed contract or delivery date

The proposed contract is for a period of one year from date of Contract award.

Cost estimate of the proposed contract

Estimated Value: \$ 69,000 (USD) GST exempt;

Option:

Estimated value: \$ 70,000.00 (USD) GST exempt.

Name and address of the pre-identified supplier

Malcolm K. Sparrow

Professor of the Practice of Public Management

John F. Kennedy School of Government, Harvard University

79 JFK Street, Cambridge, MA 02138,

USA

Suppliers' right to submit a statement of capabilities (SOC)

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.



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Closing date for a submission of a statement of capabilities

The closing date and time for accepting statements of capabilities is November 6th, 2017 at 14:00hrs MST.

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