

1. Advance Contract Award Notice (ACAN)

An ACAN is a public notice indicating to the supplier community that a department or agency intends to award a contract for goods, services or construction to a pre-identified supplier, thereby allowing other suppliers to signal their interest in bidding, by submitting a statement of capabilities. If no 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.

2. Definition of the requirement

The Department of National Defense has a requirement for the supply 60 Iridium Self Locating Datum Maker Buoys (ISLDMB). The following parts are applicable to this requirement:

- ISLDMB part #2050-20-010-3855

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

Any interested supplier must demonstrate by way of a statement of capabilities that its equipment meets the requirements of article two (2) of this ACAN.

4. Applicability of the trade agreement(s) to the procurement

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

- Canadian Free Trade Agreement (CFTA)
- World Trade Organization Agreement on Government Procurement (WTO-AGP)
- North American Free Trade Agreement (NAFTA)

5. Set-aside under the Procurement Strategy for Aboriginal Business

N/A

6. Comprehensive Land Claims Agreement(s)

N/A

7. Justification for the Pre-Identified Supplier

Due to rigorous testing requirements that was previously conducted by DND and the Canadian Coast Guard (CCG), the ISLDMB Sonobuoy meet the testing requirements of both agencies. This testing ensured that any Sonobuoy that DND bought was airdrop compliant and had capability tracking and communication technologies that could integrate with existing DND and CCG established communication interfaces. Furthermore, MetOcean has patent on the ISLDMB Sonobuoy is the only known supplier of this item with this Intellectual Property (IP) rights to manufacture this item.

8. Government Contracts Regulations Exception(s)

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

9. Exclusions and/or Limited Tendering Reasons

The following exclusion(s) and/or limited tendering reasons are invoked under the:

- Canadian Free Trade Agreement (CFTA) – Paragraphs 1 through 3 of Article 513 - to ensure compatibility with existing goods, or to maintain specialized goods that must be maintained by the manufacturer of those goods or its representative.
- World Trade Organization - Agreement on Government Procurement (WTO-AGP) – Article(s) (b) - When, for works of art or for reasons connected with 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.
- North American Free Trade Agreement (NAFTA) – Article(s) Article 1016 – (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.

10. Ownership of Intellectual Property

N/A

11. Period of the proposed contract or delivery date

The goods must be delivered on or before 28 September 2018.

12. Cost estimate of the proposed contract

The estimated value of the contract is \$216,000 plus (GST/HST extra).

13. Name and address of the pre-identified supplier

MetOcean
21 Thornhill Drive
Dartmouth, Nova Scotia
B3B 1R9, Canada

14. Suppliers' right to submit a statement of capabilities

Suppliers who consider themselves fully qualified and available to provide the goods, services or construction 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.

15. Closing date for a submission of a statement of capabilities

The closing date and time for accepting statements of capabilities is 23 July 2018 at 1400hrs EDT.

16. Inquiries and submission of statements of capabilities are to be directed to:

Chantal Gosselin
Department of National Defence
101 Colonel By Drive
Ottawa, Ontario K1A 0K2
Telephone: 819-939-4186
Facsimile: 819-939-4047
E-mail: Chantal.Gosselin@forces.gc.ca