



Advance Contract Award Notice (ACAN) for Measuring the Effectiveness of Damage Prevention Engagement in Reducing Unauthorized Activities (Uas) near NEB-regulated pipelines

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 National Energy Board (NEB) has identified a requirement to measure the effectiveness of NEB Damage Prevention engagement activities in helping to reduce the rate of reported unauthorized activities (Uas) near NEB-regulated pipelines.

The NEB doesn't have an effective method (risk-assessment tool) for differentiating those UAs that are most likely to cause harm to people and the environment – making it difficult to focus our compliance promotion efforts on the highest-risk activities.

Identified Gaps:

- The NEB does not directly regulate third parties – the NEB can only influence third-party behaviours and practices indirectly through compliance promotion (CP) activities and oversight of NEB-regulated companies' Damage Prevention Programs.
- The current NEB's UA risk criteria are simplistic and do not reflect a complete picture of the factors and conditions that could lead to unsafe activities undertaken by third parties. Further, NEB's data set is small and limited in scope (per these criteria), which makes it difficult to identify and assess UA causes and contributing factors, and to make the linkages between UAs and incidents that cause harm to people and the environment.
- Our regulations require companies to monitor, identify, and report information to the NEB on all UAs near their pipelines. However, there is a lack of systematic approach for gathering/tracking, normalizing, and analyzing key UA information regarding activity types, frequency, distribution (heat mapping), trends, and causes/contributing factors, including human factors such as safety awareness and behaviours/attitudes ("behavioural insights").
- Although we have simple methods to gauge the short-term impacts of individual compliance promotion (CP) activities on those directly engaged, we do not have a systematic way of linking or measuring the effectiveness of these activities on influencing the longer-term attitudes and behaviours of third parties living and working near NEB-regulated pipelines, to reduce unsafe activities and thereby reduce harm. Further, our dataset for CP activities, techniques, and outcomes/impacts is also very small and limited in scope.

Opportunity to Address Problem:

The Safety & Damage Prevention Team of the National Energy Board (NEB) needs to develop a tool to:

- measure the effectiveness of NEB Damage Prevention engagement activities in helping to reduce the rate of reported unauthorized activities (UAs) near NEB-regulated pipelines; and
- differentiate those UAs that are most likely to cause harm to people and the environment.



- address gaps, to tap into other data sources that may be available to get more complete, reliable information to better analyze:
 - the types of “unauthorized” or unsafe activities that are undertaken near pipelines (or other buried infrastructure);
 - the types of third parties who conduct these “unauthorized” or unsafe activities;
 - their causes and contributing factors, including human factors (“behavioural insights”);
 - which “unauthorized” or unsafe activities lead to incidents that harm people or the environment; and
 - the types of engagement techniques and approaches used with people living and working near pipelines (and other buried infrastructure), which of these techniques/approaches have been found to be effective, and how effectiveness is measured (e.g. correlations between engagement activities and unsafe activity rates).

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 it meets the following requirements:
 - - Minimum 10 years of recent and ongoing experience working closely with organizations across Canada (e.g. common ground alliances, one-call centres) that are dedicated to advancing awareness and safe practices for preventing damage to buried infrastructure, particularly pipelines.
 - Knowledge and understanding of the current NEB damage prevention regulatory framework, and how this framework operates within the broader Canadian damage prevention system.
 - Expert knowledge and experience regarding current and emerging damage prevention processes, best practices, and issues in Canada.
 - Maintains an extensive network of, and access to, information sources from a range of damage prevention stakeholders across Canada.

4. Applicability of the trade agreements to the procurement

This procurement is subject to the following trade agreements:

- Canadian Free Trade Agreement (CFTA)
- World Trade Organization - Agreement on Government Procurement (WTO-AGP)
- North American Free Trade Agreement (NAFTA)
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

5. Justification for the Pre-Identified Supplier

- As the only national organization dedicated to preventing damage to buried infrastructure, the Canadian Common Ground Alliance (CCGA) is uniquely positioned to help us access, research, and analyze broader data sources, including its own databases as well as those of other jurisdictions, damage prevention stakeholders, industry, and common ground alliances.
- The National Energy Board needs to leverage the CCGA to access, research, and analyze this larger dataset, to address the problem statements and associated gaps. Key to this collaboration would be:
 - clearly defining the problem statements and associated gaps;
 - clarifying the scope, objectives, and elements of a project plan to address the problem statements and associated gaps, including determination of what data are available (and



- where/with whom – e.g. from the CCGA, its partners, industry, or through other channels across the Canadian damage prevention system) and how it would be accessed/collected, researched, and analyzed; and
- coordinating implementation of a strategy to deliver on this project plan.

6. Government Contracts Regulations Exception(s)

The following exception to the Government Contracts Regulations is invoked for this procurement under subsection 6(d) –

“only one person is capable of performing the work”

7. Period of the proposed contract or delivery date

The period of this contract is from date of contract award to March 31, 2020 with Phase 1 of the project delivered by 31 March 2019. There will be option to extend the term of the contract to multiple years if need be.

Deliverables

- *Phase 1.* Clearly define the problem statements and identified gaps, and develop a project plan with actions, deliverables, and timelines.
- *Phase 2.* Scope and assemble the relevant data from targeted sources, which may include industry, other regulators, common ground alliances, and/or other damage prevention stakeholders.
- *Phase 3.* Review and analyze the assembled data to identify key problem areas, trends, and data gaps.
- *Phase 4.* Devise an integrated, multilateral strategy (extending across the broader damage prevention system in Canada) to apply targeted/prioritized approaches to address Phase 3 outputs.
- *Phase 5.* Strategy implementation.

Phases 2, 3, 4 & 5 are optional services. The outcomes of the Phase 1 work will be used to carry out phases 2, 3, 4, 5. Depending on the quality of Phase 1 outcomes, the NEB will determine whether to pursue Phases 2, 3, 4 & 5

8. Name and address of the pre-identified supplier

Canadian Common Ground Alliance
104 4242 Seventh St SE, Calgary AB

9. Suppliers' right to submit a statement of capabilities

Suppliers who consider themselves fully qualified and available to provide 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.



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

The closing date and time for accepting statements of capabilities is

January 29, 2019 at 2:00 p.m. MST

11. Inquiries and statements of capabilities are to be directed to:

Nafissa Diop, Procurement Officer
National Energy Board
517 10 Ave SW
Calgary, Alberta, T2R 0A8
Telephone: 403-390-3773
E-mail: nafissa.diop@neb-one.gc.ca