

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

### **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 Requirements**

The Geological Survey of Canada (GSC), a Branch of Natural Resources Canada (NRCan) has a mandate to advance understanding of the geological resources of Canada. The GSC has recently published the first complete three-dimensional geological model for southern Ontario (Carter et al. 2019). The GSC is planning to update this model over the next 3 years and convert the 54 layer model to a simplified hydro stratigraphic model to support regional-scale groundwater modelling. To improve the model requires extensive Quality Assurance (QA) and Quality Control (QC) of the petroleum database entries and analysis of physical property data. All of the data is held by the Ontario Ministry of Natural Resources and Forestry Petroleum Operations Section in London, Ontario. The only point of access to this data is via the Ontario Oil, Gas and Salt Resources Library (OGSRL). The Ontario Oil Gas and Salt Resources Corporation (Corporation) is the "Original Trustee" to a Trust Agreement signed with the Government of Ontario in 1998 to manage and operate the Ontario Oil, Gas and Salt Resources Library.

The GSC is contracting the services of the OGSRL to complete QA and QC of core analysis data and formation boundary picks to ensure that all upgrades are registered in the Ontario Ministry of Natural Resources and Forestry petroleum database. This work will include the following:

1. Core photography
2. Examination of geophysical logs, drill chips and core to improve the definition of formation top depths in the database.
3. All data corrections must be entered in the database and will be available to future users.
4. A report must be produced for the individual QA and QC activities that document the problems identified and the corrections completed.
5. When requested by the GSC, the OGSRL will provide an updated extract from the database to support 3-D modelling.
6. The OGSRL will modify the QA and QC requested based on revised workplans emerging from development of successive 3-D models.

#### Reference

Carter, T.R., Brunton, F.R., Clark, J.K., Fortner, L., Freckelton, C., Logan, C.E., Russell, H.A.J., Somers, M., Sutherland, L., and Yeung, K.H., 2019. A three-dimensional geological model of the Paleozoic bedrock of southern Ontario; Geological Survey of Canada, Open File 8618; Ontario Geological Survey, Groundwater Resources Study 19, 1 .zip file. <https://doi.org/10.4095/315045>

### **3. Criteria for Assessment of the Statement of Capabilities**

Any interested supplier must demonstrate by way of a statement of capabilities that it meets the following requirements:

1. **That the supplier complies with:** Section 16 of the Ontario Oil, Gas and Salt Resources Act, which established the Oil, Gas & Salt Resources Corporation as the manager of oil, gas and salt related data holdings of the Ontario government.

2. **That the supplier complies with:** Article 8 of the Oil, Gas and Salt Resources Trust agreement establishes that the trustee assumes the responsibility for the distribution of this data, which is done via the Oil, Gas and Salt Resources Library.

#### 4. Trade Agreements

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

NAFTA	North American Free Trade Agreement
WTO-AGP	World Trade Organization - Agreement on Gov Procurement
CFTA	Canadian Free Trade Agreement
CETA	Comprehensive Economic and Trade Agreement
CCFTA	Canada-Chile Free Trade Agreement
CCoFTA	Canada-Columbia Free Trade Agreement
CHFTA	Canada-Honduras Free Trade Agreement
CPaFTA	Canada-Panama Free Trade Agreement
CPFTA	Canada-Peru Free Trade Agreement
CKFTA	Canada-Korea Free Trade Agreement

#### 5. Justification for the Pre-Identified Supplier

The supplier mentioned in section 11 below is the only known supplier that meets the mandatory criteria set out in section 3 above.

Should Canada receive a statement of capabilities from a supplier that contains sufficient information to indicate that it meets the requirements set forth in this ACAN, a competitive process will be triggered with a technical and financial evaluation methodology of the bids proposed by the potential bidders

#### 6. Exception to the Government Contracts Regulations

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.

The identified provider, Oil Gas and Salt Resources Library (OGSRL), is the only one able to meet all of the criteria identified in paragraph 3 above.

#### 7. Exclusions and/or Limited Tendering Reasons

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

- **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 CFTA (Article 513:1)**  
513:1(b) – if 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:
  - ii) the protection of patents, copyrights, or other exclusive rights;
- **Applicable Limited Tendering Provision under WTO-AGP (Article XIII)**

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:

(ii) the protection of patents, copyrights or other exclusive rights;

- **Applicable Limited Tendering Provision under CETA (article 19.12)**  
(b) if 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:
  - ii) the protection of patents, copyrights or other exclusive rights
- **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:
  - (ii) the protection of patents, copyrights or other exclusive rights,
- **Applicable Limited Tendering Provision under Canada-Honduras (Article 17.11)**  
2 (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:
  - (ii) the good or service is protected by a patent, copyright or other exclusive intellectual property right,
- **Applicable Limited Tendering Provision under Canada-Panama (Article 16.10)**  
1 (b) the procurement can be carried out only by a particular supplier and a reasonable alternative or substitute does not exist because:
  - (ii) a good or service being procured is protected by a patent, copyright or another exclusive right,
- **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:
  - (ii) the protection of patents, copyrights or other exclusive rights,
- **Applicable Limited Tendering Provision under Canada-Korea Free Trade Agreement (Article XIII)**  
Referencing the WTO Protocol Amending the GPA, Article XIII (1) (b) (ii) the protection of patents, copyrights or other exclusive rights.

## 8. Ownership of Intellectual Property

Ownership of any Foreground Intellectual Property arising out of the proposed contract will vest in the Contractor.

## 9. Contract Period

The contract period will be from date of contract award to March 31, 2023.

## 10. Estimated Cost

The estimated maximum value of the contract is \$455,000.00 CAD inclusive of taxes.

## 11. Name and Address of the Proposed Contractor

**Ontario Oil, Gas & Salt Resources Library**  
669 Exeter Road

London, ON  
N6E 1L3

**12. Suppliers' right to submit a 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.

**13. Closing Date**

The closing date for a submission of a Statement of Capabilities is January 3 2020.

**14. Contract Authority**

**Nadia Kelly**  
Procurement Officer  
Natural Resources Canada  
506 Burnside Road West  
Victoria, British Columbia V8Z 1M5  
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Email: [Nadia.kelly@canada.ca](mailto:Nadia.kelly@canada.ca)