

**Annex: Model content of an Advance Contract Award Notice**

**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 Treasury Board of Canada Secretariat has a requirement for expert advisory services to support the operations of the Centre for Regulatory Innovation. The contracted party will play a key role in educating federal regulators in Canada on regulatory experimentation. The contracted party will also assist federal departments/agencies in the design and implementation of projects intended to test and evaluate applications of emerging technologies and new approaches to regulatory development that can support the introduction of new products, services, and business models to the Canadian marketplace.

The work will involve the following:

- working with the Centre to implement, oversee, and evaluate regulatory experiments;
- working directly with select identified federal regulatory departments/agencies to design effective proposals for regulatory experimentation that convey the innovation proposed, potential public benefit, and viability of the experiment; and,
- preparing guidelines and tools for regulators intended to support new ways of developing and managing regulations, based on an international evidence-base and learnings gleaned from the CRI's initial projects.

**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:

- Over 36 months of experience supporting government innovation initiatives intended to introduce new skills to public servants across more than one federal regulatory policy domain (social, economic,

environmental, etc.), working within multi-jurisdictional and multi-stakeholder models involving both governmental and non-governmental parties, and co-leading projects at both federal and sub-national levels.

- Possess a published set of conceptual tools for regulators to apply in their work with respect to the challenges of regulating emerging technologies, developed from an international evidence base, which can be adapted to a Canadian federal regulatory context.
- Over 24 months of experience supporting the development, implementation, and oversight of regulatory experiments.
- The contracted resources providing services under the resulting contract must be eligible for reliability security clearances issued by Treasury Board of Canada Secretariat.

#### **4. Applicable Trade Agreements**

This procurement is subject to the following trade agreements:

- Canadian Free Trade Agreement
- Canada-Chile Free Trade Agreement
- Canada-Colombia Free Trade Agreement
- World Trade Organization - Agreement on Government Procurement
- North American Free Trade Agreement
- Canada-European Union Comprehensive Economic and Trade Agreement
- Canada-Honduras Free Trade Agreement
- Canada-Korea Free Trade Agreement
- Canada-Panama Free Trade Agreement
- Canada-Peru Free Trade Agreement
- Canada-Ukraine Free Trade Agreement

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

The organization the Treasury Board of Canada Secretariat would like to enter into contract with has previous experience with and is currently engaged in regulatory innovation projects across a number of policy domains. No other organization has undertaken this type of work on this scale. With this integrated expertise, experience, and capacity, the pre-identified supplier is the only organization capable of providing the required advice and support to the Centre for Regulatory Innovation.

#### **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/Firm is capable of performing the work".

#### **7. Ownership of Intellectual Property**

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

**8. Period of the proposed contract**

The proposed contract is for a period of 2 years, from 2020-01-15 to 2022-03-31.

**9. Cost estimate of the proposed contract**

The estimated value of the contract is \$560,000.00, plus applicable taxes.

**10. Name and address of the pre-identified supplier**

NESTA Enterprises Ltd.  
58 Victoria Embankment  
London, United Kingdom  
EC4Y 0DS

**11. 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.

**12. Closing date for a submission of a statement of capabilities**

The closing date and time for accepting statements of capabilities is January 10, 2020 at 2:00pm EST.

**13. Inquiries and submission of statements of capabilities**

Inquiries and statements of capabilities are to be directed to:

Robert Penwarden, Senior Contracting Officer  
Corporate Services Sector  
Treasury Board of Canada Secretariat  
Telephone: 343-543-6021  
E-mail: [Robert.Penwarden@tbs-sct.gc.ca](mailto:Robert.Penwarden@tbs-sct.gc.ca)