



ADVANCE CONTRACT AWARD NOTICE (ACAN) No.84084-20-0114:

**Financial Analyst Technical Support for Implementing Canada Energy Regulator
Cost Recovery Framework and Cost Recovery Regulations**

Purpose of the ACAN

The purpose of this ACAN is to provide 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.

Definition of the requirement

The Canadian Energy Regulator (CER) has a requirement to develop cost recovery regulations under section 87 of the *Canadian Energy Regulator Act* (CER Act) to pay for operating costs. The CER wishes to assess the current cost recovery framework which is premised on commodity charging and examine whether a direct cost recovery approach could improve the efficiency, transparency and equitableness of the regulations.

The cost recovery regulation authority is being updated and clarified in the CER Act so that the regulations specify:

I. Cost recovery for all activities under CER's mandate:

The CER Act will provide regulation making authority under section 87 to the CER to cost recover activities under Canada Oil and Gas Operations Act (COGOA) and the Canada Petroleum Resources Act (CPRA). This will allow the Regulator to recover costs for all activities including activities related to work done under its mandate.

II. Recovering costs for applications that are denied or withdrawn:

The regulations will allow the CER to cost recover directly from all applicants, including those whose applications are denied or withdrawn.

III. Updates to the fixed levies:



The Regulator will examine and adjust the fixed levies currently in place for small and intermediate companies.

Scope of Work

The contractor is required to provide technical financial analysis advice and guidance to the Project Working Group (PWG) for implementing the Canada Energy Regulator cost recovery framework and cost recovery regulations and includes financial analysis in furtherance of regulatory change to that end there will be regulatory analysis—what are the consequences of certain financial regulatory changes on cost recovery and providing technical advice/guidance on internal and external documents (ex. Board of Director items, Treasury Board Submission, Regulatory Impact Analysis Statement (RIAS), draft regulations, Regulatory Proposals, etc.

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:

I. Education:

Academic Certification (Degree, Certification etc.) in areas such as:

- i. Financial Analyst,
- ii. Financial Management,
- iii. Financial Accounting,
- iv. Quantitative Analysis,
- v. Economic Analyst
- vi. Market Analyst,
- vii. Business Analyst or any other relevant education or Professional Certification

II. Experience and Knowledge

- i. Experience in cost recovery research, analysis and studies in the energy sector
- ii. Experience in cost recovery or cost of service in regulatory area, utility sector or energy sector
- iii. Experience in complex research and deliverables
- iv. Experience with interpreting principles, policies and processes
- v. Experience in reports writing,
- vi. Experience in data management and analysis;



- vii. Knowledge of the energy sector and regulatory framework,
- viii. Understanding of cost recovery mechanism in the Oil and Gas sector
- ix. Knowledge of financial management and accounting
- x. Knowledge of Treasury Board Secretariat policies and directives

Applicability of the trade agreements to the procurement

This procurement is not subject to trade agreements:

Justification for the Pre-Identified Supplier

The supplier has many years of experience in providing cost recovery service and cost recovery functions in oil and gas and regulatory areas. The current cost recovery regulations that are in place at the CER were managed and executed by the supplier. The supplier also:

- Completed a feasibility study to assess the impacts of implementing a direct cost recovery framework under the Canadian Energy Regulator (CER) Cost Recovery Regulations
- Acted as a point of contact for cost recovery matters for industry and the general public
- Actively involved in the Preparation and implementation of the 2010 regulatory amendments
- Worked with the Cost Recovery Liaison Committee and prepared the financial reports at the committee meetings
- Developed the manual for cost recovery work to set out the tasks, timing, information, data sources necessary for the full cycle of the cost recovery process

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”

Period of the proposed contract or delivery date

The period of this contract is from date of contract award to March 31st, 2022

Cost estimate of the proposed contract



The estimated value of the contract, including option(s), is \$80,000.00 (GST/HST included).

Name of the pre-identified supplier

Dan Philips

Suppliers' right to submit a statement of capabilities

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. The statement of capabilities must clearly demonstrate how the supplier meets the advertised minimum essential requirements.

Closing date for a submission of a statement of capabilities

The closing date and time for accepting statements of capabilities is November 20th, 2020 at 14:00Hrs MST.

Inquiries and statements of capabilities are to be directed to:

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