

## **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 the requirement**

The Department of Natural Resources Canada (NRCan) has a requirement to develop new industry-specific, plant-level energy benchmarking tools as well as refine and update existing energy benchmarking tools that are essential to the ENERGY STAR for Industry certification program.

NRCan and the U.S. EPA are working collaboratively to develop and update these industrial energy benchmarking tools in order to align the ENERGY STAR for Industry certification program seamlessly across the U.S. and Canada.

These models use confidential industrial energy use and production data and access to this data is carefully controlled and provided on a limited basis; for example, the U.S. data is only available through the Center for Economic Studies of the U.S. Census Bureau, and is only provided to researchers who have secured several lengthy approvals for access. Therefore, having access to confidential data and the ability to protect it is essential. In both countries, data is organized using the same North American Industry Classification System (NAICS) to define industry.

NRCan intends to contract with an external supplier that has experience with industrial energy use to provide confidential data collection and statistical modelling services.

The work will involve the following tasks and deliverables:

#### **Tasks**

For each project deliverable, the tasks are as follows:

1. Collect and harmonize data
2. Prepare draft Energy Performance Indicators
3. Test and revise Energy Performance Indicators
4. Finalize Energy Performance Indicators

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### **Deliverables**

The project deliverables are as follows:

1. Refine and update existing energy benchmarks
  2. Develop new industry-specific, plant-level benchmarks
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:

- Permission from the U.S. Environmental Protection Agency (EPA) to develop ENERGY STAR for industry benchmarking tools;
  - Doctoral degree (Ph.D.) in statistics and economics from a recognized University;
  - A minimum of ten (10) years of experience in building mathematical models that estimate a manufacturing plant's relative energy efficiency in relationship to the rest of its unique industrial sector;
  - A minimum of ten (10) years of experience in conversing with industry, in at least ten (10) different industrial manufacturing sectors, on energy impacts with a view to building trust and credibility;
  - Experience in conducting a research project across both the U.S. and Canada (minimum 1 project);
  - Experience in developing and finalizing an ENERGY STAR benchmarking platform (minimum 1 platform);
  - At least ten (10) years of experience in handling and protecting confidential industrial data;
  - Knowledge and understanding of advanced statistical and economic data treatment, including regression analysis and stochastic frontier modelling;
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);
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA);
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP);
- Canada-Chile Free Trade Agreement (CCFTA);

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- Canada-Colombia Free Trade Agreement;
- Canada-Honduras Free Trade Agreement;
- Canada-Korea Free Trade Agreement;
- Canada-Panama Free Trade Agreement;
- Canada-Peru Free Trade Agreement (CPFTA);
- Canada-Ukraine Free Trade Agreement (CUFTA);

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

- Not Applicable

### 6. Comprehensive Land Claims Agreement(s)

- Not Applicable

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

The supplier mentioned in section 13 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

### 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*").

The identified supplier, **DUKE UNIVERSITY**, is the only one able to meet all of the criteria identified in paragraph 3 above

### 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) – Article: 513.1(b) (iii);
- World Trade Organization - Agreement on Government Procurement (WTO-AGP) – Under the Revised GPA - Article XIII, 1 (b) (iii);
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA) – Article(s) Article 19.12 (b) (iii)
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) – Article(s): 15.10 , 2 (b) (iii) (s)

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- Canada-Chile Free Trade Agreement (CCFTA) – Article(s) Kbis-09 (b), Article Kbis-09 (c)
- Canada-Colombia Free Trade Agreement – Article(s): 1409 (b) (iii);
- Canada-Honduras Free Trade Agreement – Article(s): 17.11 2 (b) (iii)
- Canada-Korea Free Trade Agreement – Article 14.3, Under the Revised GPA - Article XIII, 1 (b) (iii);
- Canada-Panama Free Trade Agreement – Article(s) 16.10 (b) (iii)
- Canada-Peru Free Trade Agreement (CPFTA) – Article(s)1409 (b) (iii)
- Canada-Ukraine Free Trade Agreement (CUFTA) – Article(s) Article 10.13 (b) (iii);

### **10. Ownership of Intellectual Property**

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

### **11. Period of the proposed contract or delivery date**

The project duration is from contract award to March 31, 2022.

Optional service, if required.

The contract period may be extended for two additional option years from April 1, 2022 to March 31, 2023 and from April 1, 2023 to March 31, 2024.

### **12. Cost estimate of the proposed contract**

The approximate cost of this requirement, including both options, will not exceed \$360,000.00 USD (\$436,000.00 CAD, excluding all applicable taxes, for the three (3) year term).

### **13. Name and address of the pre-identified supplier**

**Duke University  
Office Research Support  
2200 W. Main St., Ste. 710  
Durham, NC 27705 USA**

### **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.

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

**Closing Date: June 24, 2021**

**Closing Time: 2:00 p.m. Pacific Daylight Time (PDT)**

16. Inquiries and submission of statements of capabilities

Inquiries and statements of capabilities are to be directed to:

Name:	Gerald Baran
Title:	Procurement Specialist
Organization:	Natural Resources Canada
Address:	506 West Burnside Road Victoria, BC V8Z 1M5
Telephone:	(778) 350 9373
E-mail address:	<u><a href="mailto:gerald.baran@canada.ca">gerald.baran@canada.ca</a></u>