

### **3.3. 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 Canadian Shellfish Sanitation Program (CSSP) has the primary objective of protecting public health from the consumption of contaminated bivalve molluscan shellfish by controlling harvesting of shellfish in Canada. It is the first point of sanitary control. Under the CSSP, commercially harvested shellfish growing areas require annual review of sanitary conditions and bacteriological water quality sampling at key monitoring stations.
- To carry out annual bacteriological water quality surveys of bivalve molluscan shellfish growing areas in order to evaluate whether the classified harvest areas continue to meet the Canadian Shellfish Sanitation Program (CSSP) and [American] National Shellfish Sanitation Program (NSSP) classification standards. This requirement requires surveying in selected shellfish growing areas in Southwestern NB from Little Lepreau Basin to Grand Manan.
- Collection of marine water samples.
- Bacteriological analyses of water samples for fecal coliform bacteria by an approved CSSP or ISO/ IEC 17025 Accredited Laboratory ; utilizing the Thermotolerant Coliform Direct Test, A-1 Medium (Reference method can be found in : Standard Methods for the Examination of Water and Wastewater, APHA, 2012, 22nd Ed. Section 9221 E, 2).
- Measurement of various physical and meteorological factors.
- Inscribe survey data and analytical results onto laboratory data sheets (supplied by Environment & Climate Change Canada) and also enter this information into the Environment & Climate Change Canada Shellfish Growing Area Database (CSSP Web Tools) computer software (software to be supplied by ECCC). Electronic CSSP Web Tools files are to be provided every two weeks.
- Verification of sampling station position accuracy by plotting GPS data tracks from each sampling run onto an electronic station map and by reporting any significant variance in position (i.e., > 10m).

### **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:

- Lab has proof ISO 17025 certification with scope to perform fecal coliform analysis using A-1 culture medium in fifteen tube, three dilutions (5-5-5) method
- The Bidder will demonstrate its ability to deliver samples to the laboratory within a maximum of eight (8) hours from the sample site. The bidder can provide maps or kilometer charts showing distances from sampling area to the laboratory in question.
- The Bidder will demonstrated that they have a methodology and experience from both field and lab work from a past contract. The contract must have a minimum duration of twelve (12) months. The contract must have been completed within the last five (5) years.

### **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)*
- *Revised 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)*
- *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-United Kingdom Trade Continuity Agreement (Canada-UK TCA)*
- *Canada-Ukraine Free Trade Agreement (CUFTA)*

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

This procurement is not subject to a set-aside

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

This procurement is not subject to the CLCA

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

Eastern Charlotte Waterways Inc. is the only ISO 17025 accredited supplier capable of providing the A1 microbiological test in the southern part of New Brunswick. ECCC water quality tests must be incubated within eight hours of sampling, so it is essential to use a laboratory located near the areas being assessed. Eastern Charlotte Waterways has demonstrated that they had the methodology, certifications, and experience for field and lab work and within the 8hrs proximity as detailed in section 2.

**8. Government Contracts Regulations Exception(s)**

The following exception(s) to the *Government Contracts Regulations* is (are) invoked for this procurement under subsection:

subsection 6(d) - "only one person is capable of performing the work".

**9. Exclusions and/or Limited Tendering Reasons :**

Eastern Charlotte Waterways Inc. is the only ISO 17025 accredited supplier capable of providing the A1 microbiological test in the southern part of New Brunswick and the laboratory is located within the **within eight hours** of the areas assessed.

**10. Ownership of Intellectual Property**

- Canada intends to retain ownership of any Foreground Intellectual Property arising out of the proposed contract on the basis that the main purpose of the contract is:

6.4.1 to generate knowledge and information for public dissemination;

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

The proposed contract is for a period of 1 years, with 2 options years.

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

The estimated value of the contract, including option(s); \$700,570.72 taxes excluded

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

Eastern Charlotte Waterways Inc. 881 Main Street, Blacks Harbour, New Brunswick E5H 1E5

**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.

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

The closing date and time for accepting statements of capabilities is *July 8, 2022 at 2:00 PM*

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

Inquiries and statements of capabilities are to be directed to:  
Annie.emard@ec.gc.ca