



Advances Contract Award Notice

Employment and Skills Development Canada (ESDC) requires research activities to be conducted in collaboration with individual First Nations communities or First Nations regional organizations for the purposes of carrying out research and providing recommendations in relation to the following:

- Analysis of options for pursuing distinct First Nations accessibility legislation.
- Elements of programming required to support the development of a First Nations-led accessibility assessor training program.
- Best practices from existing navigator functions and potential scope for expanding existing functions to address accessibility-related concerns.
- Existing mechanisms used to gather data regarding types of disabilities most prevalent on reserve and related experiences of barriers to accessibility.

The purpose of the ACAN is to signal the Government of Canada's intent to award a contract to:

Assembly of First Nations
55 Metcalfe St., Suite 1600
Ottawa ON, K1P 6L5

Before awarding a contract, the GC would like to provide other suppliers with the opportunity to demonstrate that they are capable of satisfying the requirements set out in the ACAN by submitting a statement of capabilities during the eighteen (18) calendar days posting period.

If other potential suppliers submit a statement of capabilities during the eighteen (18) calendar days posting period that meet the requirements set out in the CAN, the GC will proceed to a full-tendering process on the government's electronic tendering service or through traditional means in order to award the contract.

If no other supplier submits, on or before the closing date, a statement of capabilities meeting the requirements set out in the ACAN, a contract will be awarded to the preselected supplier.

Background

The *Accessible Canada Act* (ACA) came into force in 2019. The overarching goal of the ACA is to realize a barrier-free Canada by 2040. The legislation benefits all Canadians, especially persons with disabilities, through the proactive identification, removal and prevention of barriers to accessibility in 7 priority areas. The ACA requires regulated entities to prepare and publish accessibility plans, set up feedback processes and report openly on progress. The ACA gives the authority to create and enforce accessibility regulations.

First Nations band councils are regulated entities under the ACA. During the development of the ACA, the Government of Canada committed that it would not apply to First Nations band councils until further fulsome engagement on a tailored approach to advancing accessibility on reserve could take place. Subsequently, and work with First Nations is still ongoing, the *Accessible Canada Regulations* (ACR) included a five year exemption for First Nations band councils when they were published in December 2021.

Advancing accessibility and removing accessibility barrier in Indigenous communities is a priority of the Government of Canada. Recent engagement and analysis on accessibility in First Nations communities has confirmed that approaches to identifying and removing barriers to accessibility must be First Nations-led, culturally appropriate and community driven. Finally, there is a desire in First Nations communities to build accessibility related capacity at the local level, and to support First Nations communities in navigating government programs that provide funding that could be used to support the removal of barriers to accessibility.



Requirement Definition

ESDC requires research and recommendations on multiple aspects of developing a tailored approach to advancing accessibility for First Nations, to be conducted in collaboration with individual First Nations communities or First Nations regional organizations. These include:

- Additional analysis on options for pursuing distinct First Nations accessibility legislation/regulations, and information regarding community-level preferences for existing options.
- Elements of programming required to support First Nations in identifying barriers to accessibility, including any relevant knowledge or expertise that would support the development of a First Nations-led accessibility assessor training program, including but not limited to:
 - Information regarding individuals and/or firms who have expertise in this area and who could train an initial group of assessors who would then train others in a “train the trainer” model;
 - Information regarding First Nations-specific elements of a training curriculum; or
 - Existing tools and resources that could be used by assessors and/or information regarding new tools and resources required to support the proposed new training program.
- Best practices from existing navigator functions (e.g. Jordan’s Principle navigators) and potential scope for expanding existing functions to cover the provision of advice for accessing resources to address accessibility-related needs.
- Existing mechanisms used to gather data regarding the types of disabilities most prevalent on reserve and related experiences of barriers to accessibility.

Justification for the Pre-Selected Supplier

ESDC has determined that the AFN is the only national organization with the cultural and subject matter knowledge required to undertake the work of this contract. All of the work under the contract is to be conducted in collaboration with individual First Nations and/or First Nations regional organizations. The AFN operates through a broad network of chiefs committees, regional and Tribal Councils, First Nations governments and First Nations disability networks, and is thus the only organization who can carry out the required work while also ensuring adequate engagement of its members. The AFN has also established a long history of trust in working effectively with its member communities, and this trust will be key in engaging on sensitive matters such as how best to identify accessibility needs or in discussing legislative and regulatory options that may have significant long-term implications for member communities.

Applicability of the trade agreement (s) to the procurement

This procurement is subject to the following trade agreement:

Canadian Free Trade Agreement
Canada-Chile Free Trade Agreement
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
Canada-United-States-Mexico Agreement

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 514, section 1 (b) (ii)
- Canada-United-States-Mexico Agreement (CUSMA) – Article 13.9, section 2 (b)



Set-aside under the Procurement Strategy for Aboriginal Business

This procurement is subject to set-asides for Aboriginal Suppliers.

Comprehensive Land Claims Agreement (s)

This procurement is not subject to a Comprehensive Land Claims Agreement.

Exception to Government Contracts Regulations

The following exception to the Government Contracts Regulations is invoked for this purchase:

(d) only one person is capable of performing the contract.

Contract Period

Year 1 (tentatively January 2023 – March 31, 2023): conduct national engagement with First Nations governments and regional organizations.

Year 2 (tentatively April 2023 – September 2023): develop results and findings.

Estimated Contract Value

The estimated total value of the Contract is \$198,390, Taxes Excluded

Intellectual Property (IP)

The Contractor will own the IP rights to new work made under the contract. Procurement will add Contractor-owned IP clauses to the contract, granting ESDC a broad permission to use the new IP.

Submission of Statement of Capabilities

Suppliers who consider themselves fully qualified and available to meet the specified requirements may submit a statement of capabilities in writing to the Contracting Authority 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.

Minimum Essential Requirements

The bidder must demonstrate that they have the experienced and qualified resources to undertake the specified work including the following:

1. The bidder must demonstrate that they are Indigenous owned sole proprietorship, limited company, cooperative, partnership or not-for-profit organization.
2. The bidder must demonstrate, with concrete examples, at least 5 years experience engaging with multiple First Nations band councils across Canada in the last 10 years.
3. The bidder must demonstrate, with concrete examples, at least 5 years experience conducting legislative or regulatory analysis related to the application of the legislation or regulations to First Nations band councils in the last 10 years.
4. The bidder must demonstrate, with concrete examples, their knowledge of government navigator functions (either at the federal or provincial/territorial level).
5. The bidder must demonstrate, with concrete examples, their knowledge of accessibility and/or disability issues.
6. The bidder must demonstrate, with concrete examples, their experience in the identification and removal of barriers to accessibility.



7. The bidder must demonstrate, with concrete examples, at least 5 years experience in collecting and synthesizing complex information from multiple sources and making recommendation or presenting options based on analysis in the last 10 years.

All examples provided must include the following:

- a) Project title;
- b) Project period (start & end dates);
- c) Brief definition of project objectives;
- d) The role of the proposed professional resource;
- e) Description of the work undertaken
- f) Client organization name;
- g) Client contact name; and
- h) Client contact phone number and/or email address.

The closing date and time for accepting statements of capabilities are:

Monday January 9, 2022, at 2:00 PM Eastern Daylight Time (EDT)

Inquiries and statements of capabilities are to be directed via email to:

Gregory Molson
NC-SOLICITATIONS-GD@hrsdc-rhdcc.gc.ca