

**Advanced Contract Award Notice (ACAN)
23-58172 - TEK15 Plasma Processing System Upgrade**

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 National Research Council of Canada's (NRC) has a requirement for a retrofit to our custom TEK15 plasma processing system with small modular reactor unit and associated collector and control systems. This retrofit must fully integrate with the existing plasma processing system infrastructure and software. The retrofit to our TEK15 plasma processing unit will support our research and development in advanced materials by providing the capability to perform experiments at smaller scales and with greater frequency than our existing reactor unit affords.

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 its product/equipment/system (as appropriate) meets the following requirements:

-All elements of the retrofit to the TEK15 plasma system must fully integrate and operate seamlessly with the existing Tekna Plasma Systems SY190 custom plasma processing reactor system, including: compatible connectivity and operability with existing flanges, control systems, sensors, and safety systems.

-The retrofit must include a reactor unit, cyclone unit, filter unit, piping for gas and process streams, and control software programming.

-The reactor unit, cyclone unit and filter unit must connect together through compatible and gas-tight flanges with the existing plasma torch, and that assembly must fit within the internal volume of the Faraday cage of the existing TEK15 plasma system.

-The retrofit piping must connect the process gases from the existing gas supply infrastructure to the new reactor and collector units, and the process exhaust stream from the new reactor and collector units to the existing vacuum and exhaust infrastructure.

-Must include control software that can be operated from the existing TEK15 control computer through the existing user interface controls, and must allow full operation of the entire plasma system including the new retrofit components.

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)
- Canada–Chile Free Trade Agreement (CCFTA)
- Canada–Colombia Free Trade Agreement (CETRA)
- Canada–Honduras Free Trade Agreement (CHFTA)
- Canada–Korea Free Trade Agreement (CKFTA)
- Canada–Panama Free Trade Agreement (CPAFTA)
- Canada–Peru Free Trade Agreement (CPFTA)

5. Justification for the Pre-Identified Supplier:

Tekna Plasma Systems Inc is the Original Equipment Manufacturer (OEM) of the TEK15 plasma system and is the only vendor capable of providing a TEK15 nano upgrade including: dual valve collection upgrade, nano reactor, filter with blowback option, cyclone, piping for the vacuum, programming and engineering and installation, five (5) days on site.

6. 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".

7. Exclusions and/or Limited Tendering Reasons:

Canadian Free Trade Agreement, Article 513 (1) Limited Tendering

(b) if the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- (ii) the protection of patents, copyrights, or other exclusive rights;
- (iii) due to an absence of competition for technical reasons.

Canada–Chile Free Trade Agreement, Article Kbis-09: Tendering Procedures, para 1 : Limited Tendering

b. where, for works of art, or for reasons connected with the protection of patents, copyrights or other exclusive rights, or proprietary information or where there is an absence of competition for technical reasons, the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists.

Canada–Colombia Free Trade Agreement, Article 1409 Limited Tendering

b. Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- ii. The protection of patents, copyrights or other exclusive rights, or
- iii. Due to an absence of competition for technical reasons.

Canada–Honduras Free Trade Agreement, Chapter 17, Article 17.11 Limited Tendering

(b) a good or service being procured can be supplied only by a particular supplier and a reasonable alternative or substitute does not exist because:

- (ii) the good or service is protected by a patent, copyright or other exclusive intellectual property right, or
- (iii) there is an absence of competition for technical reasons.

Canada–Korea Free Trade Agreement, which defers to WTO-AGP Article XIII, Limited Tendering

b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

iii. due to an absence of competition for technical reasons.

c. for additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services:

- i. cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement;
- ii. would cause significant inconvenience or substantial duplication of costs for the procuring entity;

Canada–Panama Free Trade Agreement, Chapter 16, Article 16.10 Limited Tendering

b. procurement can be carried out only by a particular supplier and a reasonable alternative or substitute does not exist because:

- i. the requirement is for a work of art,
- ii. a good or service being procured is protected by a patent, copyright or another exclusive right, or
- iii. of the absence of competition for technical reasons.

Canada–Peru Free Trade Agreement, Article 1409: Limited Tendering

(b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- (ii) the protection of patents, copyrights or other exclusive rights, or
- (iii) due to an absence of competition for technical reasons.

8. Period of the proposed contract or delivery date:

The system must be delivered, installed, and training completed on or before March 29, 2024.

9. Cost estimate of the proposed contract:

The estimated value of the contract is approximately **\$ 176,443.85 CAD (applicable taxes included)**.

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

Tekna Plasma Systems Inc.
2835 Boulevard Industriel
Sherbrooke QC J1L 2T9

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 December 12, 2023 at 2:00 p.m. (EDT).

13. Inquiries and submission of Statements of Capabilities

Inquiries and Statements of Capabilities are to be directed to:

Katie Homuth
Senior Contracting Officer
Finance and Procurement Services Directorate
National Research Council Canada
E-mail: Katie.Homuth@nrc-cnrc.gc.ca