



## Solicitation No. T8080-230211 Advance Contract Award Notice

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 other supplier submits, on or before the closing date, a statement of capabilities that meets the requirements set out in the ACAN, the competitive requirements of the government's contracting policy have been met.

Following notification to suppliers not successful in demonstrating that their statement of capabilities meets the requirements set out in the ACAN, the contract may then be awarded using the Treasury Board electronic bidding authorities.

If other potential suppliers submit statements of capabilities during the fifteen (15) calendar days posting period, and meet the requirements set out in the ACAN, the department or agency must proceed to a full tendering process on either the government's electronic tendering service or through traditional means, in order to award the contract.

### 1. TITLE

Develop documented guidance or best practices on damage assessment criteria and guidelines for general-service (i.e. non-pressure) tank cars

### 2. Definition of Requirements

The Transportation of Dangerous Goods Directorate (TDG) of Transport Canada (TC) has a requirement to develop documented guidance or best practices on damage assessment criteria and guidelines for general-service (i.e. non-pressure) tank cars. Damage assessments are conducted by technical advisors, including TC TDG remedial measures specialists (RMSs), to assess damage to means of containment (MOC) such as rail tank cars or highway tanks at an incident site to determine whether it is safer to transfer the dangerous goods to another MOC on-site or to move the MOC to another location before off-loading.

The outcomes of this project will aid TC TDG RMSs in their decision-making at incident sites involving general-service (i.e. non-pressure) tank cars and other emergency responders, emergency response training centres, rail carriers, as well as owners and users of general-service tank cars.

The Contractor must perform the following tasks upon completion of this project:

- Literature review and industry scan, including:
  - Identification of the types of damage and/or failure modes in general-service tank cars;
  - Identification of any existing criteria used by emergency responders and/or industry in performing damage assessment of general-service tank cars;



- To supplement the above information, review and documentation of recent incidents (within the last 15 years) involving general-service tank cars. This task should include, at minimum, the following:
  - Types of commodities (dangerous goods) being transported during the incident,
  - Types of damage or failure modes,
  - Damage assessment criteria that were used, and
  - Action(s) and/or decision-making process(es) that were taken to mitigate the danger; and
- Consultation with tank car and damage assessment experts (e.g. emergency responders, emergency response training providers, etc.) to identify any knowledge gaps.
- Analysis and recommendations, including:
  - An analysis of the gathered information leading to development of a guidance document [or identification of the best practices] to help emergency responders with their action(s) and/or decision-making process(es) in performing damage assessment of general-service tank cars; and
  - Any recommendations for future work.

### 3. Criteria for Assessment of the Statement of Capabilities

The Transportation of Dangerous Goods Directorate requires a contractor with the following qualifications and experience:

- a) The Contractor must have access to the Association of American Railroads (AAR) Hazardous Materials Committee.
- b) The Contractor must have at least two individuals with experience working on the development of AAR's 2021 document, *Assessment Best Practices for Tank Car Tank Damage*.
- c) The Contractor must have at least one individual with ten years of experience as a training program expert in tank car damage assessment within North America.

### 4. Trade Agreements

Canada Free Trade Agreement (CFTA)  
 Canada-Chile Free Trade Agreement (CCFTA)  
 Canada-Columbia Free Trade Agreement (CCFTA)  
 Canada-Honduras Free Trade Agreement (CHFTA)  
 Canada-Korea Free Trade Agreement (CKFTRA)  
 Canada-Panama Free Trade Agreement (CPFTA)

### 5. Justification for Pre-Identified Supplier

The Association of American Railroads (AAR) is uniquely situated to perform or oversee the completion of this project. AAR published the *Assessment Best Practices for Tank Car Tank Damage* in 2021. The 2021 AAR document does not necessarily differentiate between pressure tank cars versus general-service (non-pressure) tank cars, and almost all examples are for pressure tank cars. More specific



information regarding damage assessment of general-service tank cars is a gap that needs to be addressed for TC TDG RMSs. Hence, this project is pragmatically a follow-on to AAR work on tank car damage assessment and will address the recommended action(s) and/or decision-making process(es) in the damage assessment of general-service (non-pressure) tank cars.

AAR's Hazardous Materials Committee is composed of subject matter experts from across the railroad industry who are responsible for developing standards for the safe transportation of hazardous materials by rail. Additionally, AAR can leverage access to personnel at the Security and Emergency Response Training Center (SERTC), which is operated by MxV Rail and is a wholly owned subsidiary of AAR. SERTC provides training to emergency responders. Therefore, AAR is the only known contractor that meets all the requirements to perform this project, as it has:

- a. guaranteed access to AAR's Hazardous Materials Committee experts;
- b. knowledge of and access to the background work in the development of AAR's Assessment Best Practices for Tank Car Tank Damage; and
- c. access to current training program experts regarding tank car damage assessment. As the outcomes of this project are intended to aid TC TDG RMSs in their decision-making at incident sites involving general-service (i.e. non-pressure) tank cars, having access to current training program experts is needed in order to ensure that the results of this project may be implemented effectively in the training courses taken by and the guidance materials used by the RMSs.

## **6. Government Contracts Regulations Exceptions**

The contract is proposed under the Government Contracting Regulations, Section 6 (d) that states "only one person or firm is capable of performing the contract".

## **7. Ownership of Intellectual Property**

Ownership of any Foreground Intellectual Property arising out of the proposed contract will vest in Canada. Canada may grant a license to the contractor for the contractor's use of the Foreground Information.

## **8. Contract Period**

The proposed contract period will be from the date of Contract Award for 12 months.

## **9. Estimated Cost**

The estimated maximum value of the proposed contract is \$150,000.00 CAD including applicable taxes.



## 10. Name and Address of the Proposed Contractor

Name: Association of American Railroads (AAR)  
Address: 425 3rd Street SW, Suite 1000,  
Washington, DC 20024,  
U.S.A.

## 11. Suppliers' Right to Submit a Statement of Capabilities

Suppliers who consider themselves fully qualified and available to provide the services/goods described herein, may submit a Statement of Capabilities in writing, preferably by e-mail, to the contact person identified in this Notice on or before the closing date and time of this Notice. The Statement of Capabilities must clearly demonstrate how the supplier meets the advertised requirements.

Responses received on or before the closing date will be considered solely for the purpose of deciding whether or not to conduct a competitive procurement. Information provided will be used by the Crown for technical evaluation purposes only and is not to be construed as a competitive solicitation. Your written response must provide sufficient evidence (e.g. specifications, technical data, drawings, or any other proof) that clearly demonstrates that your product or service is capable of fulfilling this requirement.

Suppliers that have submitted a response will be notified in writing of TC's decision to continue with the non-competitive procurement or to compete for the requirement.

## 12. Closing Date

The closing date for a submission of a Statement of Capabilities is December 22, 2023, at 2 p.m. Eastern Daylight Time (EST).

## 13. Contact

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