

**COMPETITION BUREAU INNOVATION, SCIENCE AND ECONOMIC
DEVELOPMENT CANADA (ISED)
ISED - 209533**

ADVANCE CONTRACT AWARD NOTICE (ACAN)

An Advance Contract Award Notice (ACAN) allows departments and agencies to post a notice, for no less than fifteen calendar days, indicating to the supplier community that it intends to award a good, service or construction contract to a pre-identified contractor. If no other supplier submits, during the fifteen calendar day posting period, a statement of capabilities that meet 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's electronic bidding authorities.

If other potential suppliers submit statements of capabilities during the fifteen calendar day 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.

Contracting Officer:

Name: Nathalie Marcoux

E-mail: nathalie.marcoux@ised-isde.gc.ca

DESCRIPTIVE TITLE:

Digital Enforcement: Technology and Tool Insights Establishment Project

BACKGROUND

The Competition Bureau created a new Digital Enforcement and Intelligence Branch (DEIB) to be better equipped for challenges and complexities of the digital age. The speed and disruptive nature of technology innovations, particularly ones like artificial intelligence, make critical the need to build this team to ensure the Bureau's ability to carry out its enforcement mandate. Internationally, all major counterpart agencies now have broad teams of 'Technologists' directly involved in investigations involving data and digital markets and working on innovating agency processes. In 2022, the UK Competition and Markets Authority (CMA) had already established a team of over 50 people in its Data, Technology and Analytics Unit with technologists representing the biggest single share of the team and contributing the most directly on enforcement activities as key members of case teams. In contrast, the Digital Enforcement Directorate (DED) has a small team and has only employed one full time senior technologist to date.

Regularly, on the Bureau's most complex cases, it is necessary to hire external experts with industry expertise that allows them to explain to case teams things like the use of key technologies by firms to compete effectively in relevant markets. Frequently, the search for this expertise robs case teams of time they need to advance their case and not infrequently searches for non-conflicted industry expertise are unsuccessful. This can and has impeded the Bureau's ability to carry out its enforcement mandate and has robbed it of the chance to have a real seat at the table on global merger reviews and other cases where our international counterparts have

been better positioned to take the lead. It is critical that we build a capable team of technologists to be embedded on case teams and help advance priority enforcement work and to ensure the Bureau can protect Canada's interests on such files.

The use of internal technology expertise is a new concept to the Bureau and to government, which requires strategic effort to identify priority areas of technology expertise, and particularly relevant private sector expertise, that can be most effectively integrated into an enforcement agency. For that, it is critical to obtain a contractor with extensive expertise in the creation of technology and tool insight units that also has experience relating to antitrust enforcement and ideally Canadian antitrust enforcement experience. Private sector experience in a digital technology firm is needed to ensure work around understanding unique aspects of digital technology firms' business models can be leveraged by enforcement teams and Bureau technologists. This is a unique and niche blend of expertise and experience.

More specifically, to fulfill the tasks specified in section 4.0, the Digital Enforcement: Technology and Tools Insights Project requires assistance from an individual with the following expertise: a comprehensive understanding of antitrust law; experience around enforcing competition laws; private sector experience in a digital technology firm, and an in-depth knowledge of how to establish and maintain an effective and highly specialized unit dedicated to providing technology and tool expertise that can be leveraged for enforcement work. Based on this list, the project can only obtain the necessary advice from a professional with extensive first-hand experience hiring and leading teams of technologists and tools experts that can apply this experience to the antitrust enforcement context effectively. Lynne Perrault is uniquely positioned to meet the needs of this contract.

REQUIREMENTS/RESULTS:

Provide advice and assistance on the establishment of the Technology and Tool Insight Unit in DED. This will involve recommendations in written form on:

- a. The structure, staffing and recruitment of technologists
- b. An assessment of skills required of substantive employees, and an identification of certain areas of expertise that can be introduced through the use of consultants
- c. An approach to learning and development of DED technologists, and Bureau digital and technical experts.
- d. The roles and responsibilities between DED, enforcement branches, and corporate service digital enforcement services. This would include the development of procedural best practices for the Technology and Tool Insights Unit with respect to how to communicate, support and work with enforcement branches and legal services.
- e. The identification of efficiencies and innovations that can be made to Bureau digital and technology experts implicated in the digital evidence pipeline.
- f. A review of current policies and procedures that support investigators ability to conduct open sourced intelligence (OSINT) and to make captures online in a way that protects the integrity of the digital evidence, and aligns with the requirements of the Evidence Canada Act.
- g. On new processes, policies and/or procedures required relating to digital evidence and amendments to the Competition Act, including but not limited to the removal of the Mergers efficiencies defence, increased market study powers, and drip pricing.
- h. Potential approaches and considerations for horizon scanning of emerging technologies and new investigative digital tools.

- i. Participate in meetings, in-person and via telephone/video, with Bureau representatives as required.

IDENTIFICATION OF CONTRACTOR

Name of Contractor: Maze Intel inc.

Address: 83 Lockhart Ave N

City: Ottawa, Ontario

Postal Code: ON K2A 3R3

REASON FOR AWARDING CONTRACT TO THIS CONTRACTOR

The use of internal technology expertise requires strategic effort to identify priority areas of technology expertise, and particularly relevant private sector expertise, that can be most effectively integrated into an enforcement agency. For that, it is critical to obtain a contractor with extensive expertise in the creation of technology and tool insight units that also has experience relating to Canadian antitrust enforcement experience. Private sector experience in a digital technology firm is needed to ensure work around understanding unique aspects of digital technology firms' business models can be leveraged by enforcement teams and Bureau technologists. This is a unique and niche blend of expertise and experience. Based on this list, the project can only obtain the necessary advice from a professional with extensive firsthand experience hiring and leading teams of technologists and tools experts that can apply this experience to the antitrust law enforcement context effectively. Lynne Perrault is uniquely positioned to meet the needs of this contract

MINIMUM ESSENTIAL REQUIREMENTS

Any interested supplier must demonstrate by way of a statement of capabilities that it meets the following requirements:

- Must have significant knowledge of competition law enforcement, open-sourced intelligence, digital evidence, and digital business practices. This knowledge brings to bear robust in-house and international networks to research, analysis, and recommendations for the establishment of technology insights expertise in government agencies.

PERIOD AND ESTIMATED COST OF THE CONTRACT

The period of the contract will be for one year from contract award with a possibility option to extend if required. The total amount of the contract is estimated to be up to \$100,000 CAD taxes included.

APPLICABLE TRADE AGREEMENTS AND APPLICABLE LIMITED TENDERING REASONS

No trade agreements apply to this contract.

OWNERSHIP OF INTELLECTUAL PROPERTY

Intellectual Property will remain with the contractor.

CLOSING DATE AND TIME FOR WRITTEN SUPPLIER RESPONSES CHALLENGING THIS REQUIREMENT IS 2:00 P.M, EASTERN TIME, FEBRUARY 7, 2023.

You are hereby notified that the government intends to solicit a bid and negotiate with the firm identified above.

If you wish to submit a written response showing that you are capable of meeting this requirement, it must be done not later than the closing date and time. As it is intended to proceed in a timely manner, responses received after the closing date will not be considered. The Crown reserves the right not to open this procurement to competition.

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 ISED's decision to continue with the non-competitive procurement or to compete the requirement.

Should you have any questions concerning this requirement, contact the contracting officer

identified above. The Industry file number, the contracting officer's name and the closing date of the ACAN must appear in block letters on the covering page.

The Crown retains the right to negotiate with suppliers on any procurement. Documents may be submitted in either official language of Canada.