

ADVANCE CONTRACT AWARD NOTICE (ACAN)

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 Department of Natural Resources Canada (NRCan) has a requirement to post daily gasoline (regular, medium and premium) and diesel prices from cities across Canada and weekly automotive propane and furnace prices. The work will involve the following: conducting surveys of petroleum product prices from 77 cities across Canada's 10 provinces and its territories. The contractor will perform the following tasks:

- Conduct a daily survey of individual retailers and calculate the average price of petroleum products in major centres across Canada.
- A minimum of 5 samples per centre from all types of marketers must be included in the survey in order to have an accurate representation of the individual markets. The retail outlets surveyed must be the same each week.

The three types of marketers include:

- **Major retailer:** a retail outlet whose brand name is affiliated with one of the three major refining companies in Canada.
- **Regional retailer:** a retail outlet whose brand name is affiliated with one of the regional refining companies in Canada
- **Independent Retailer:** any retail outlet that is not associated with a refining company.

Conduct a daily survey (Monday to Friday) of wholesale and retail gasoline and diesel products. The Information must be made available to NRCan by 3:00 pm EST or EDT on the day that it is collected to be posted on its fuel transportation prices webpage

In the case of a statutory holiday, the survey will not be performed. The data from the previous business day will be used in its place.

On a monthly basis, averages for each centre are to be calculated. This does not include data from weekends and holidays.

ADVANCE CONTRACT AWARD NOTICE (ACAN)

Monthly wholesale averages by city will be calculated using the average of the wholesale prices collected over the month.

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:

- The vendor must demonstrate that it has a minimum of five (5) years experience within the last ten (10) surveying and publishing daily, refined petroleum product price data (regular, midgrade and premium gasoline, and diesel) and weekly furnace oil, and automotive propane prices from cities across all 10 Canadian provinces, the Yukon and the Northwest Territories.
- The vendor must have expertise in testifying before The Senate when consumer prices for gasoline, diesel and heating oil spike or collapse.
- *The* supplier must be able to concretely demonstrate five (5) years' experience with the last ten (10) conducting projects similar in size, scope and complexity;
- *Expert knowledge and understanding* of the software used in the surveys;
- Academic qualifications must possess an undergraduate or graduate degree from a recognized university in the fields of either accounting, business, economics or statistics.

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)
- 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)

ADVANCE CONTRACT AWARD NOTICE (ACAN)

5. Set-aside under the Procurement Strategy for Aboriginal Business, Not applicable for this procurement.
6. Comprehensive Land Claims Agreement(s), Not applicable for this procurement.
7. Justification for the Pre-Identified Supplier

The supplier mentioned in section 13 below is the only known supplier that meets the mandatory criteria set out in section 3 above.

Should Canada receive a statement of capabilities from a supplier that contains sufficient information to indicate that it meets the requirements set forth in this ACAN, a competitive process will be triggered with a technical and financial evaluation methodology of the bids proposed by the potential bidders

8. Government Contracts Regulations Exception

The following exception to the *Government Contracts Regulations* is invoked for this procurement under subsection 6(d) - only one person is capable of performing the work.

The identified supplier, **Kalibrate Canada, Inc.**, is the only one able to meet all of the criteria identified in paragraph 3 above

9. 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: 513.1(b) (iii);
- World Trade Organization - Agreement on Government Procurement (WTO-AGP) – Under the Revised GPA - Article XIII, 1 (b) (iii);
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA) – Article(s) Article 19.12 (b) (iii)
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) – Article(s): 15.10 , 2 (b) (iii) (s)
- Canada-Chile Free Trade Agreement (CCFTA) – Article(s) Kbis-09 (b),Article Kbis-09 (c)
- Canada-Colombia Free Trade Agreement – Article(s): 1409 (b) (iii);
- Canada-Honduras Free Trade Agreement – Article(s): 17.11 2 (b) (iii)
- Canada-Korea Free Trade Agreement – Article 14.3, Under the Revised GPA - Article XIII, 1 (b) (iii);
- Canada-Panama Free Trade Agreement – Article(s) 16.10 (b) (iii)
- Canada-Peru Free Trade Agreement (CPFTA) – Article(s)1409 (b) (iii)

ADVANCE CONTRACT AWARD NOTICE (ACAN)

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 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 one (1) year from July 1, 2023 to June 30, 2024 and includes four (4) Option years.

12. Cost estimate of the proposed contract

The estimated value of the contract, including potential option(s), is \$450,800.00 (GST/HST extra).

13. Name and address of the pre-identified supplier

Kalibrate Canada, Inc
500 South Street, Suite 11
London, Ontario N6B 1CE

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 June 27, 2023 at 2:00 EDT.

16. Inquiries and statements of capabilities are to be directed to:

Julia Pace
Procurement Officer
1 Challenger Drive, Dartmouth, NS

Telephone: 902-719-4856
E-mail: julia.pace@nrcan-rncan.gc.ca