

Advance Contract Award Notice (ACAN)

23-58193

UPGRADE KITS FOR ATLAS ABATEMENT SYSTEMS

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 (NRC) of Canada, Canadian Photonics Fabrication Centre, in Ottawa, ON has a requirement for modification assembly to upgrade two existing Edward Vacuum Inc ATLAS Abatement systems (Serial #106282464, 166010658) to support expansion of fabrication activities and to align with NRC's environmental stewardship objectives.

The required product is manufactured by Edwards Vacuum Inc., the original equipment manufacturer (OEM) and the required part is, NRG897000. The part must be fully combatable with the existing ATLAS Abatement System while allowing scrubbers to operate at NRC's enhanced burn modulation capabilities.

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:

Provide a quantity of two OEM Part # NRG897000 Atlas Etch to KRS/ETCH upgrades.

Each NRG897000 upgrade assembly must include the following and be approved by the OEM for use in the existing ATLAS abatement systems. Additionally, the OEM must be able to continue to provide support for the entire assembly, tool, and unit as a whole in the future to performance specification with the inclusion of a third-party part.

- i. Head Assy/Upgrade Parts (Quadrants, Actuators, purges lines, etc. to support the Kronis/Etch upgrade),
- ii. New Fuel block with inject lines,
- iii. New O2 block and O2 lines,
- iv. associated software patch to control supplied fuel block valves when valves for Etch/Kronis actuate.

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-Korea Free Trade Agreement
- Canada-Honduras Free Trade Agreement
- Canada-Chile Free Trade Agreement (CCFTA)
- Canada-Colombia Free Trade Agreement
- Canada-Panama Free Trade Agreement

5. Set-aside under the Procurement Strategy for Aboriginal Business

Not applicable

6. Comprehensive Land Claims Agreement(s)

Not applicable

7. Justification for the Pre-Identified Supplier

The pre-identified supplier is Edwards Vacuum LLC. They are the sole provider that meets all the requirements and are the original equipment manufacturer (OEM) of the ATLAS Abatement System. The parts required are proprietary to and manufactured by the OEM and are not available through distributorship in Canada.

8. Government Contracts Regulations Exception(s)

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.”

9. Exclusions and/or Limited Tendering Reasons

The following exclusion(s) and/or limited tendering reasons are invoked under the:

- a. Canadian Free Trade Agreement (CFTA) – Article 513 (1) (b) (iii): due to an absence of competition for technical reasons;
- b. Canada-Korea Free Trade Agreement – referencing the WTO Protocol Amending the GPA, Article XIII (1) (b) (iii): due to an absence of competition for technical reasons;
- c. Canada-Honduras Free Trade Agreement – Article 17.11 (2) (b) (iii): due to an absence of competition for technical reasons;
- d. Canada-Chile Free Trade Agreement (CCFTA) – Article Kbis-16 (2) (c): necessary to protect intellectual property;
- e. Canada-Colombia Free Trade Agreement – Article 1409 (1) (b) (iii): due to an absence of competition for technical reasons;
- f. Canada-Panama Free Trade Agreement – Article 16.10 (1) (b) (iii): because of the absence of competition for technical reasons;

10. Ownership of Intellectual Property

Not Applicable

11. Period of the proposed contract or delivery date

The product/system/equipment (as appropriate) must be delivered by April 12, 2024.

12. Name and address of the pre-identified supplier

Edwards Vacuum Inc.
6416 Inducon Drive West
Sanborn, NY 14132

13. 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.

14. Closing date for a submission of a statement of capabilities

The closing date and time for accepting statements of capabilities is December 26, 2023 at 2:00 PM EST

15. Inquiries and submission of statements of capabilities

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