

Advance Contract Award Notice (ACAN) – 100032839
Legal Technical Assistance Advisor and Coordinator: Latin America -
International Development Section (IDS)

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.

Description of the Requirement

The Department of Justice Canada (JUS) has a requirement for a contracted resource to coordinate the International Development Section's (IDS) legal technical assistance activities with Latin American countries on an as-needed basis by providing advice on justice and governance reforms in Latin America, engaging with governments and non-governmental organizations, linguistic interpretation and editing in Spanish, acting as cultural mediator, and contributing to operational activities.

The Work will involve the following:

- translating certain texts from English to Spanish
- assessing and analyzing documents in French
- providing oral interpretation on topics relevant to legal technical assistance
- revising the Spanish version of legal technical assistance texts written by or for the IDS with a view to ensure that they meet the highest standards in terms of linguistic correctness, stylistic appropriateness and communication effectiveness, and that they are consistent with the English version of the texts
- provide advice on justice reform on topics including violence against women, gender equality, stalking, street harassment, youth justice, Indigenous justice in remote regions, access to justice for people living in poverty and legislative drafting.
- provide advice on engagement strategies with Latin American justice institutions and women's rights associations, including anti-stalking associations
- give support to IDS personnel and their local counterparts regarding cultural attitudes, beliefs and behaviours
- provide information on different sets of values, orientations to life, beliefs, assumptions and socio-cultural conventions by clarifying culture-specific expressions and concepts that might give rise to misunderstanding
- assist in the management of the operational matters related to IDS activities
- be responsible for record keeping, reporting and note taking

The contracted resource must have knowledge of legal concepts and legal terminology in both Canadian English and Latin American Spanish to perform the Work. The contracted resource must also have knowledge of the structure of justice institutions in Latin America and familiarity with civil society organizations involved in fields relevant to IDS's technical assistance activities to carry out engagement activities.

The contracted resource must actively support IDS in formulating comprehensive justice reform strategies by offering expert advice and capitalizing on their knowledge of Latin American institutions. They will play a crucial role in assisting IDS to adeptly navigate and adjust strategies when confronted with shifts in the dynamic political landscapes.

The contracted resource must help IDS create engagement strategies aimed at increasing visibility of IDS's international assistance efforts. These strategies must target both English and Spanish-speaking audiences, focusing on engagement through digital and traditional channels. The contracted resource must implement these engagement strategies and discuss any issues that may arise with the IDS.

The contracted resource must develop and maintain relationships with key state and non-state partners, representing IDS in a professional manner, using social and communications skills of the highest standard. The Contractor's resource must address inquiries, comments and issues promptly and effectively.

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 is able to provide a resource meeting or exceeding the following requirements:

EDUCATION	
M1	The resource must have successfully completed three (3) years of legal education from a Latin American university.
M2	The resource must have a linguistics degree in English or Spanish from a post-secondary educational institution.
M3	The resource must have completed at least two (2) university level modules/courses in gender studies.

LEGAL TRANSLATION	
M4	The resource must have advanced levels of Spanish (Latin American) and English (Canadian) language skills, and intermediate levels of French language skills.
M5	The resource must have a minimum of five (5) years experience in the past 10 years translating legal or law-related documents from English to Spanish.

LEGAL RESEARCH	
M6	The resource must have a minimum of three (3) years experience in Latin American legal writing and research.
M7	The resource must have a minimum of two (2) years experience conducting comparative legal research between Canadian and Latin American law, including as they relate to gender equality, youth justice, criminalization of poverty, street harassment, stalking or violence against women.

INTERNATIONAL LEGAL TECHNICAL ASSISTANCE	
M8	The resource must have a minimum of four (4) years experience working and engaging with governments in both Canada and Latin America.
M9	The resource must have a minimum of four (4) years experience providing advice on cultural aspects of legal reform and diplomacy in Latin America.
M10	The resource must have a minimum of four (4) years experience working and engaging with women's rights associations, including anti-stalking associations in Latin America.
M11	The resource must have a minimum of one (1) year of experience working with a team of lawyers to review draft anti-stalking offences in Latin America.
M12	The resource must have a minimum of one (1) year of experience organizing and providing legal technical assistance to foreign countries on topics related to the Feminist International Assistance Policy, including gender equality, intimate partner violence, cyber-violence against women and stalking, or youth justice for girls and Indigenous youth.
M13	The resource must have a minimum of one (1) year of experience public speaking and moderating legal technical assistance events in Spanish and English, including on topics of youth justice, Indigenous justice, gender equality, intimate partner violence or stalking.
M14	The resource must have a minimum of one (1) year of experience engaging with civil society, the judiciary, diplomats and politicians in Latin America, on the topics of gender equality, stalking, harassment, justice for Indigenous youth or the criminalization of poverty.

M15	The resource must have a minimum of one (1) year of experience developing and maintaining an extensive and current network within Latin American justice and political systems, and within women's rights organizations.
------------	--

Applicability of the Trade Agreements to the Procurement

This procurement is subject to the following trade agreements:

- Canadian Free Trade Agreement (CFTA)
- Revised 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)
- Canada-United Kingdom Trade Continuity Agreement (Canada-UK TCA)
- Canada-Ukraine Free Trade Agreement (CUFTA)

Justification for contracting with the Pre-Identified Supplier

The required skills and knowledge for these services are highly specialized, and, to the knowledge of the Department of Justice Canada, no other person has the specific expertise needed.

The pre-identified supplier's resource possesses a unique combination of skills and experience that are either essential or highly coveted for the successful completion of these projects.

The pre-identified supplier's resource has a proven track record providing these services to the Department of Justice Canada, demonstrating reliability and competence. They also already have experience with the internal working process within IDS and know the key stakeholders for the projects. Selecting a Contractor with a proven track record reduces the overall risk to the Department. It will also keep costs down to a minimum as hiring a new contractor would require extensive and prolonged training.

The Department of Justice Canada has been unsuccessful in its efforts to seek out other options of service providers who are able to provide services with the required degree of technical skill. The Department has contacted Canadian Embassies in Latin America for references, and was only provided with the identified Contractor.

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.

Exclusions and/or Limited Tendering Reasons

The following exclusions and/or limited tendering reasons are invoked under the (section of the trade agreement(s) specified):

- Canadian Free Trade Agreement (CFTA) – Article 513 – (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: (iii) due to an absence of competition for technical reasons
- Revised World Trade Organization - Agreement on Government Procurement (WTO-AGP) – Article XIII — Limited Tendering – 1. 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
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA) – Article 19.12 – Limited tendering 1 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: iii) due to an absence of competition for technical reasons
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) – Article 15.10: Limited Tendering – 2 (b) if the good or service can be supplied only by a particular supplier and no reasonable alternative or substitute good or service exists for any of the following reasons: iii) due to an absence of competition for technical reasons
 - Canada-Chile Free Trade Agreement (CCFTA) – Article Kbis-09: Tendering Procedures – 1 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: (iii) due to an absence of competition for technical reasons.
 - Canada-Honduras Free Trade Agreement – 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: (iii) due to an absence of competition for technical reasons
 - Canada-Korea Free Trade Agreement – incorporated WTO-AGP Article XIII — Limited Tendering – 1. 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
 - Canada-Panama Free Trade Agreement – Article 16.10: Limited Tendering – 1. b. the procurement can be carried out only by a particular supplier and a reasonable alternative or substitute does not exist because: iii) of the absence of competition for technical reasons
 - Canada-Peru Free Trade Agreement (CPFTA) – Article Article 1409: Limited Tendering - 1. (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
 - Canada-United Kingdom Trade Continuity Agreement (Canada-UK TCA) – incorporated CETA Article 19.12 – Limited tendering 1 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: iii) due to an absence of competition for technical reasons
 - Canada-Ukraine Free Trade Agreement (CUFTA) – Article 10:13: Limited Tendering – 1 (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: iii) due to an absence of competition for technical reasons

Period of the Proposed Contract

The proposed contract is for a period from April 1, 2024 to June 30, 2028 with the option to extend by an additional two (2) x one (1) year option periods.

Cost Estimate of the Proposed Contract

The estimated value of the contract, including options, is \$350,000.00 (inclusive of all travel and taxes, as applicable).

Name and Address of the Pre-Identified Supplier

Monica Fernanda Sosapavón
 Francisco Pimentel 60 – 302
 Cuauhtemoc, Mexico
 06470

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.

Closing Date for a Submission of a Statement of Capabilities

The closing date and time for accepting statements of capabilities is: Thursday, February 1 2024 at 2:00PM Eastern Standard Time (EST).

Inquiries and Submission of Statements of Capabilities

Inquiries and statements of capabilities are to be directed to:

Kayla Pordonick

A/Manager, Contracting Operations

Department of Justice Canada

Email: Kayla.Pordonick@justice.gc.ca