

Template Preparation Guide: Advance Contract Award Notice (ACAN)

GUIDELINE FOR THE PREPARATION OF AN ADVANCE CONTRACT AWARD NOTICE (ACAN)

An Advance Contract Award Notice (ACAN) is a formal notification advising suppliers of an entity's intention to award a contract to a selected supplier without a competition. This guide is designed to provide direction as to when an ACAN should be utilized.

ACANs are not intended to be utilized as an alternative to the competitive process nor are they to be used when there is insufficient time to run a competition. The ACAN process is only to be used when there is strong evidence that only one supplier is capable of performing the requirements. The ACAN file should fully document all information regarding the process as all materials in the possession of the Government of Saskatchewan are subject to the access provisions of *The Freedom of Information and Protection of Privacy Act* of Saskatchewan.

Entities are to conduct a fair and transparent process before entering into any contract. The competitive approach should always be given first consideration.

Guidelines to Follow in Preparing an Advance Contract Award Notice

An ACAN must provide sufficient information in order for a supplier to determine if they are able to meet or exceed the entity's requirements. ACANs should provide for enough information to allow entity's to adequately review the challenge. Clear, unambiguous language should be used.

The ACAN must include:

- name of the entity initiating the ACAN;
- name of the selected supplier, including city and province;
- delivery date(s) and/or the period of the proposed contract, including extension options;
- estimated value of the good/service (optional);
- rationale for the ACAN, demonstrating why the selected supplier has been identified as the only supplier capable of meeting the requirements;
- a full description of the problem to be addressed and the good/service to be provided. This may include; tasks to be performed, the objectives, expected results, performance standards, constraints and deliverables;
- an explanation on how suppliers can challenge an ACAN;
- an explanation on how the procurement process will proceed with and without challenges;
- closing date for accepting challenges; include time of day, month and year;

- notification indicating that any challenges received after the closing date and time will not be considered; and
- contact details for inquiries and where challenges can be submitted.

ACANs are to be advertised on the Government of Saskatchewan tender website at www.sasktenders.ca for no less than ten (10) business days.

CHALLENGES

Reviewing Challenges

- When challenges are received they are to be fairly reviewed by an individual(s) best able to determine the validity of the challenge(s).
- Entities may request additional information from suppliers to validate the suppliers capabilities of meeting the requirements set out in the ACAN. This can be conducted by phone, in writing or through a meeting. Documentation of any communication must be noted and placed on file.

Challenges That Are Accepted

- Should the challenge(s) provide sufficient or reasonable evidence to indicate that the supplier has the capability to meet the requirement(s); the supplier(s) are to be notified that their challenge is valid and that the entity will either:
 - proceed with a competitive process, or
 - cancel the requirement.
- The proposed supplier identified in the ACAN should also be notified that challenges have been received and advised on the next steps in the process.
- The rationale to accept the challenge must be documented and placed on file.

Challenges That Are NOT Accepted

- The decision to reject a challenge shall be impartial and should be made by the individual(s) best able to determine the validity of the challenge(s).
- Entities are responsible for justifying why the challenge(s) are not accepted.
- The rationale to reject the challenge must be documented and placed on file.
- Supplier(s) that challenge the ACAN are to be made aware of the decision and offered a debriefing.

No Challenges

- If no challenges are received the entity may issue a contract to the selected supplier.

The Entities Purchasing Department can answer questions and provide additional guidance regarding the ACAN process.