



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File No. PR-2016-036

IT Services Canada Inc.
d.b.a. NATTIQ

v.

Department of National Defence

*Order issued
Wednesday, November 9, 2016*

IN THE MATTER OF a complaint filed by IT Services Canada Inc. d.b.a. NATTIQ pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C., 1985, c. 47 (4th Supp.);

AND FURTHER TO a decision of the Canadian International Trade Tribunal to conduct an inquiry into the complaint pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*;

AND FURTHER TO a request filed by Mr. Rob Stanton, on behalf of IT Services Canada Inc. d.b.a. NATTIQ, to withdraw the complaint.

BETWEEN

IT SERVICES CANADA INC. D.B.A. NATTIQ

Complainant

AND

DEPARTMENT OF NATIONAL DEFENCE

**Government
Institution**

ORDER

IN THE MATTER OF a complaint filed on September 27, 2016, on behalf of IT Services Canada Inc. d.b.a. NATTIQ pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*;

AND FURTHER TO a decision of the Canadian International Trade Tribunal, on September 29, 2016, to conduct an inquiry into the complaint pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*;

WHEREAS, on November 2, 2016, Mr. Rob Stanton, on behalf of IT Services Canada Inc. d.b.a. NATTIQ, informed the Canadian International Trade Tribunal that IT Services Canada Inc. d.b.a. NATTIQ wished to withdraw its complaint;

AND WHEREAS subsection 30.13(5) of the *Canadian International Trade Tribunal Act* provides that, if it is of the opinion that the complaint is trivial, frivolous, vexatious or not made in good faith, the Canadian International Trade Tribunal may cease the inquiry;

AND WHEREAS the Canadian International Trade Tribunal finds that the recent developments noted above have rendered the complaint trivial;

AND WHEREAS, for these reasons, the Canadian International Trade Tribunal deems it appropriate, in the present case, to cease the inquiry;

THEREFORE, pursuant to subsection 30.13(5) of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal hereby ceases its inquiry;

AND FURTHER, pursuant to section 30.16 of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal hereby awards the Department of National Defence its reasonable costs incurred in responding to the complaint, which costs are to be paid by IT Services Canada Inc. d.b.a. NATTIQ;

WHEREAS, in accordance with the *Procurement Costs Guideline*, the Canadian International Trade Tribunal's preliminary indication of the level of complexity for this complaint is Level 1, as the portion of the procurement at issue was straightforward, the complaint related to the correct evaluation of one mandatory criterion and the proceedings were straightforward with no complicated procedural issues;

THEREFORE, the Canadian International Trade Tribunal's preliminary indication of the amount of the cost award is \$1,150;

WHEREAS, if any party disagrees with the preliminary indication of the level of complexity or the preliminary indication of the amount of the cost award, it may make submissions to the Canadian International Trade Tribunal, as contemplated by article 4.2 of the *Procurement Costs Guideline*;

AND FURTHER, the Canadian International Trade Tribunal reserves jurisdiction to establish the final amount of the cost award.

Serge Fréchette

Serge Fréchette
Presiding Member