



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DECISION AND REASONS

File No. PR-2016-037

MasterBedroom Inc.

*Decision made
Tuesday, October 11, 2016*

*Decision and reasons issued
Thursday, October 13, 2016*

IN THE MATTER OF a complaint filed pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C., 1985, c. 47 (4th Supp.).

BY

MASTERBEDROOM INC.

AGAINST

THE DEPARTMENT OF PUBLIC WORK AND GOVERNMENT SERVICES

DECISION

Pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal has decided not to conduct an inquiry into the complaint.

Peter Burn

Peter Burn
Presiding Member

STATEMENT OF REASONS

1. Subsection 30.11(1) of the *Canadian International Trade Tribunal Act*¹ provides that, subject to the *Canadian International Trade Tribunal Procurement Inquiry Regulations*,² a potential supplier may file a complaint with the Canadian International Trade Tribunal (the Tribunal) concerning any aspect of the procurement process that relates to a designated contract and request the Tribunal to conduct an inquiry into the complaint. Subsection 30.13(1) of the *CITT Act* provides that, subject to the *Regulations*, after the Tribunal determines that a complaint complies with subsection 30.11(2) of the *CITT Act*, it shall decide whether to conduct an inquiry into the complaint.
2. MasterBedroom Inc. (MasterBedroom) filed a complaint with the Tribunal on October 5, 2016. The complaint concerns the same solicitation³ and the same grounds of complaint as two prior complaints that MasterBedroom filed with the Tribunal. In both cases, the Tribunal decided not to conduct an inquiry into those complaints.⁴
3. MasterBedroom has not raised any new allegations in the present complaint. Although MasterBedroom provided additional documentation that had not been included in its previous complaints, such as its recent correspondence with PWGSC and CIC, the Tribunal finds that it neither raises new information that would warrant reconsideration of its decision nor gives rise to a new ground of complaint.
4. As indicated previously, the Tribunal's decision not to conduct an inquiry is final.⁵ Since the Tribunal has already disposed of the complaint, it does not have jurisdiction to reconsider its decision. Furthermore, there are no exceptional circumstances present in this case that would allow the Tribunal to reconsider its decision. Accordingly, the Tribunal considers this matter closed.
5. Should MasterBedroom wish to challenge the Tribunal's decision, the appropriate process would be to make an application to the Federal Court of Appeal for judicial review. MasterBedroom should consult its own legal counsel regarding that process.

DECISION

6. Pursuant to subsection 30.13(1) of the *CITT Act*, the Tribunal has decided not to conduct an inquiry into the complaint.

Peter Burn
Peter Burn
Presiding Member

-
1. R.S.C., 1985, c. 47 (4th Supp.) [*CITT Act*].
 2. S.O.R./93-602 [*Regulations*].
 3. The complaint relates to a Request for a Standing Offer (Solicitation No. B3275-150511/A), issued by the Department of Public Works and Government Services (PWGSC) on behalf of the Department of Citizenship and Immigration (CIC), for the provision of basic household furniture to individuals or families in Toronto, Hamilton, Kitchener, London, Windsor and Ottawa, Ontario.
 4. *MasterBedroom Inc.* (25 August 2016), PR-2016-028 (CITT); *MasterBedroom Inc.* (14 September 2016), PR-2016-032 (CITT).
 5. *MasterBedroom Inc.* (14 September 2016), PR-2016-032 (CITT) at para. 8.