



BY FACSIMILE

August 3, 2004

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**Re: RFP Reference Number: E60HN04-VISU
Genesis Communication Inc. (File No. PR-2004-024)**

The Canadian International Trade Tribunal (the Tribunal) (Pierre Gosselin, Presiding Member) has reviewed the complaint submitted on behalf of Genesis Communication Inc. (Genesis) and has decided not to initiate an inquiry into this complaint.

Subsection 6(2) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (the Regulations) provides that a potential supplier who has made an objection to the relevant government institution within 10 working days after the day on which the basis of the objection became known or reasonably should have become known to the potential supplier, may file a complaint with the Tribunal within 10 working days after the day on which the potential supplier has actual or constructive knowledge of a denial of relief by the government institution.

According to the complaint, on June 8, 2004, Genesis received information from the Department of Public Works and Government Services (PWGSC) indicating that Genesis' proposal was considered non-compliant in that Genesis failed to address each clause of the RFSO by noting "comply" or "understood." The complaint also indicates that Genesis made an objection to PWGSC on July 8, 2004. On July 14, 2004, PWGSC responded to Genesis' objection indicating that mandatory information was missing from Genesis' proposal and had PWGSC provided Genesis an opportunity to submit the missing information, it would have amounted to bid repair or bid fixing.

The Tribunal finds that Genesis made its objection of July 8, 2004, 21 working days after it learned of the grounds of its complaint. Therefore, that objection to PWGSC was not made within 10 working days after the day on which the basis of the objection became known or reasonably should have become known to Genesis, as contemplated by subsection 6(2) of the Regulations. Accordingly, the Tribunal cannot accept the complaint for inquiry and considers this matter closed.

Yours sincerely,

Susanne Grimes
Acting Secretary