



**BY FACSIMILE**

July 23, 2004

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**Re: Solicitation Number W0134-03CYAA/A  
Dynamic Maintenance Ltd. (File No. PR-2004-019)**

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

According to the complaint, on June 29, 2004, Dynamic received a letter from PWGSC announcing that the contract for janitorial services for Cold Lake, Alberta, had been awarded to Best Facility Services for the amount of \$3 million. Dynamic submitted that its price of \$2.4 million plus GST was substantially lower than that of Best Facility. Dynamic then sent a fax dated June 29, 2004, to the contract buyer requesting information as to how it had evaluated its contract price. When a reply was not received, it sent a second fax dated July 8, 2004. Dynamic then left a telephone message on July 13, 2004, requesting the same information. According to the complaint, Dynamic has not yet received a response to its queries.

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.

The Tribunal is of the view that Dynamic has not yet received a denial of relief from PWGSC as contemplated by subsection 6(2) of the Regulations. Accordingly, the Tribunal finds that Dynamic has not allowed PWGSC sufficient time to respond to the objection and, therefore, considers the complaint to be premature. The Tribunal’s decision would not preclude any future complaint once PWGSC has responded to Dynamic’s objection. If Dynamic wishes to file a new complaint, it must do so within the time limits specified in the Regulations. The complaint must contain a clear and detailed statement explaining how PWGSC violated the applicable trade agreements and should include a complete copy of the RFP as well as all relevant documents. Dynamic can request that the evidence previously filed be joined with any new complaint.

In light of the above, the Tribunal will not conduct an inquiry into this complaint and considers the matter closed.

Yours sincerely,

Susanne Grimes  
Acting Secretary