



BY FACSIMILE

October 7, 2004

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**Re: Solicitation Number D1120-022199/B
Sweetman Consulting Associates (File No. PR-2004-035)**

The Canadian International Trade Tribunal (the Tribunal) (Zdenek Kvarda, Presiding Member) has reviewed the complaint submitted on behalf of Sweetman Consulting Associates (SCA) and has decided that the complaint is premature and, therefore, the Tribunal will not initiate an inquiry into the complaint at this time.

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.

SCA alleges that the Department of Public Works and Government Services (PWGSC) improperly rejected its proposal. According to the complaint, on August 26, 2004, SCA objected to PWGSC about the decision to reject SCA’s proposal as indicated in PWGSC’s letter dated August 18, 2004, and PWGSC has not yet responded to that objection. The Tribunal finds that, since SCA has not yet received a denial of relief as contemplated by subsection 6(2) of the Regulations, the complaint is premature.

The Tribunal’s decision at this time would not preclude any future complaint by SCA once PWGSC has responded to its objection, or fails to do so within a reasonable amount of time. The Tribunal suggests that SCA follow-up with PWGSC and request a response to its August 26, 2004 letter, at the same time giving them a reasonable deadline to respond, for example within 10 days.

In the event that SCA does file a new complaint, it must do so within the time limits specified in the Regulations. At that time, SCA may request that the evidence previously filed be joined with any new complaint, however, please note that subsection 30.12(2) of the *Canadian International Trade Tribunal Act* requires that a complaint include all information and documents relevant to the complaint that are in the complainant's possession. In this case that would include a complete copy of the RFSO and copies of any correspondence between PWGSC and SCA related to this matter.

Yours sincerely,

Susanne Grimes
Acting Secretary