



BY FACSIMILE

July 27, 2004

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**Re: RFP Reference Number: 1000038621
Cantox Environmental Inc. &
GlobalTox International Consultants Inc. (File No. PR-2004-021)**

The Canadian International Trade Tribunal (the Tribunal) (Richard Lafontaine, Presiding Member) has reviewed the complaint submitted on behalf of Cantox Environmental Inc. (Cantox) & GlobalTox International Consultants Inc. (GlobalTox) 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 July 12, 2004, GlobalTox learned that the bid it submitted with Cantox was not successful and that a contract for \$446,000 had been awarded to a firm in the United Kingdom. The rejection letter indicated that the joint proposal did not pass the rated criteria. A letter of objection was sent by GlobalTox to Health Canada on July 16, 2004. On July 20, 2004, GlobalTox was informed by Health Canada that it could not arrange a debriefing before a meeting with the program officers on July 27, 2004, and that GlobalTox would be contacted immediately afterward.

The Tribunal finds that GlobalTox has not yet received a denial of relief in relation to its objection made to Health Canada, as contemplated by subsection 6(2) of the Regulations. Accordingly, the Tribunal considers the complaint to be premature. The Tribunal’s decision would not preclude any future complaint, once Health Canada has responded to GlobalTox’s objection. If and when a new complaint is filed, it must be done within the time limits specified in the Regulations. In addition, the complaint must contain a clear and detailed statement of how Health Canada violated the applicable trade agreements. Finally, the complaint should include a complete copy of the RFP and any other relevant documents. The complainant can also request that the evidence previously filed be joined with any new complaint.

Yours sincerely,

Susanne Grimes
Acting Secretary