



BY FACSIMILE

August 25, 2004

_____:

**Re: Solicitation Number EN683-030603/A
Synerworks Research Metatek, Inc. (File No. PR-2004-029)**

I wish to inform you that the Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Meriel V.M. Bradford) has decided that the complaint submitted on behalf of Synerworks Research Metatek, Inc. (Synerworks) regarding Public Works and Government Services Canada (PWGSC) Solicitation No. EN683-030603/A, was not received within the time limits for filing a complaint as set out in section 6 of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (the Regulations).

According to subsection 6(1) of the Regulations, a complaint shall be filed with the Tribunal no later than 10 working days after the day on which the basis of the complaint became known or reasonably should have become known to the potential supplier. Subsection 6(2) of the Regulations states that a potential supplier who has made an objection regarding a procurement relating to a designated contract to the relevant government institution, and is denied relief by that government institution, 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 the denial of relief, if the objection was made within 10 working days after the day on which its basis became known or reasonably should have become known to the potential supplier.

The Tribunal is of the opinion that the basis for Synerworks' objection was known to it on July 20, 2004, and that Synerworks made its objection the same day. Furthermore, the Tribunal regards the e-mail sent by PWGSC to Synerworks on July 26, 2004, as a denial of relief, as described in subsection 6(2) of the Regulations. The Tribunal received Synerworks' complaint on August 23, 2004, some 19 working days after Synerworks had knowledge of the denial relief by PWGSC. This falls outside the time frames prescribed in subsection 6(2) of the Regulations.

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

Yours sincerely,

Hélène Nadeau
Secretary