



BY E-MAIL AND MAIL

January 28, 2004

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**Re: Solicitation Number EN608-033148/01/A
Sallie & Associates Consultants (File No. PR-2004-049)**

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Richard Lafontaine) has reviewed the complaint submitted on behalf of Sallie & Associates Consultants (Sallie) and has decided not to initiate an inquiry into this complaint.

Subsection 6(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (the Regulations) reads, in part, that a complaint must be filed with the Tribunal “not later than 10 working days after the day on which the basis of complaint became known or reasonably should have become known to the potential supplier”.

In the complaint, Sallie stated that the Request for Proposal (RFP) in question had a bid-closing date of October 21, 2004. The complaint also states that Sallie submitted a proposal and that it was not until December 29, 2004, via an email from Public Works and Government Services Canada (PWGSC), that it was informed that it was not successful.

Sallie complained that the RFP was improperly developed and that, in particular, the point-rated criteria and mandatory requirements were not related to the scope of work, the deliverables and tasks described in the RFP. In the Tribunal’s opinion, these grounds of complaint reasonably should have become known to Sallie when it first read the RFP. While the Tribunal does not know precisely when Sallie first read the RFP, the Tribunal is able to determine that the latest date on which it could have done so, and still submit a timely proposal to PWGSC, would have been on the bid-closing date of October 21, 2004. In that event, in order to be considered timely, a complaint would have had to have been filed with the Tribunal within 10 working days of October 21, 2004, or by no later than November 4, 2004. As Sallie’s complaint was not filed with the Tribunal until January 2005, the Tribunal finds that the complaint was not filed within the required time limits established by subsection 6(1) of the Regulations.

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

Yours sincerely,

Hélène Nadeau
Secretary