



**BY E-MAIL & MAIL**

May 13, 2005

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**Re: Solicitation Number 1000212645**  
**Allen Systems Group (ASG) (File No. PR-2005-005)**

The Canadian International Trade Tribunal (the Tribunal) (Panel: James A. Ogilvy, Presiding Member; Pierre Gosselin, Member; Patricia M. Close, Member) has reviewed the complaint submitted on behalf of Allen Systems Group (ASG) on May 3, 2005, and has decided not to initiate an inquiry into this complaint.

ASG alleged that the Canada Customs and Revenue Agency (CCRA) improperly limited the procurement to one supplier, Computer Associates Canada Company (Computer Associates).

Subsection 7(1)(c) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* reads, in part, that the Tribunal shall, within five working days after the day on which the complaint is filed, determine whether “the information provided by the complainant ... discloses a reasonable indication that the procurement has not been carried out in accordance with whichever one of Chapter Ten of NAFTA, Chapter Five of the Agreement on Internal Trade or the Agreement on Government Procurement ... applies”.

According to the complaint, on March 11, 2005, ASG indicated its interest in providing CCRA with an alternative solution to the requirements outlined in the Advance Contract Award Notice (ACAN) and asked several questions of CCRA. On March 23, 2005, CCRA responded to ASG's questions. On March 31 and April 8, 2005, ASG asked further questions of CCRA and CCRA responded on April 12, 2005. On April 14, 2005, CCRA requested that ASG withdraw its challenge to the ACAN. On April 15, 2005, ASG declined to withdraw its challenge and according to the complaint, ASG filed an objection with CCRA regarding its procurement strategy. On April 20, 2005, CCRA indicated that it intended to proceed with a contract award to Computer Associates as stated in the ACAN. On May 3, 2005, ASG filed its complaint with the Tribunal.

On the basis of the information submitted with the complaint the Tribunal finds that it cannot conclude that ASG could have fulfilled the terms of the procurement as stated in the ACAN. The Tribunal also finds that ASG has failed to provide information to support its argument that an ACAN is not an appropriate way to proceed, or that a sole source procurement is not warranted. Finally, the Tribunal finds that ASG did not provide evidence that CCRA is inappropriately broadening its licence base. Therefore, there is not a reasonable indication that CCRA breached the applicable trade agreements in conducting its procurement.

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