



**BY FACSIMILE**

March 24, 2005

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**Subject: Shaddy International Marketing (File No. PR-2004-057)**

I wish to inform you that the Canadian International Trade Tribunal (the Tribunal) (Meriel V.M. Bradford, Presiding Member) has decided that the complaint submitted on behalf of Shaddy International Marketing (Shaddy) regarding Public Works and Government Services Canada (PWGSC) Solicitation No. E60PS-040063/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).

Pursuant 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 the 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.

In your complaint you indicated that PWGSC found your bid to be non-compliant on the basis of the contradicting statements found in your completed Appendices A and C. However, you submitted that this was attributable to confusion in the Request for a Standing Offer (RFSO).

The Tribunal is of the view that the RFSO provision that required the discounts entered for the items listed in Appendix C be the same as those offered in Appendix A was clearly stated in the solicitation document under Article 5.2.6 (f). However, the Tribunal is of the opinion that if Shaddy thought that the solicitation requirements were not clear, it should have reasonably known this no later than November 9, 2004, the date of bid closing, and it should have raised an objection or a complaint at that time.

Consequently, the Tribunal finds that that the complaint is filed outside the time limits prescribed by subsection 6(2) of the Regulations and therefore cannot be accepted for inquiry.

Yours sincerely,

Hélène Nadeau

Secretary