



BY FACSIMILE

January 19, 2006

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**Re: Solicitation Number W010A-06S005/A
Neptune Military Husbanding (File No. PR-2005-046)**

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Zdenek Kvarda) has reviewed the submissions received on January 6 and 12, 2006, from Neptune Military Husbanding (Neptune) regarding the Department of Public Works and Government Services (PWGSC) Request for a Standing Offer (RFSO) No. W010A-06S005/A. The Tribunal has decided not to initiate an inquiry into this complaint.

Neptune alleged that PWGSC incorrectly declared its bid non-compliant.

Paragraph 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”.

The RFSO reads as follows for Mandatory criterion # 2:

Bidders shall demonstrate all individual(s) acting as Project Coordinator EACH possess a minimum of five (5) year’s recent (within the past five years) experience in the provision of coordinator services to naval vessels of similar size and scope within the specified geographical area.

According to the complaint, PWGSC declared Neptune’s bid non-compliant because the section in Neptune’s bid entitled “Personnel Experience” “failed to demonstrate that the Project Coordinator had experience within the specified geographical area.”

Neptune admits in the complaint that the section entitled “Personnel Experience” does not provide sufficient information but it argues that an examination of the company experience and the personal resume of the proposed project coordinator should have been sufficient to qualify the proposal under all mandatory requirements. The Tribunal notes that in PWGSC’s letter dated December 29, 2005, it indicates that “[y]ou should never assume that the evaluators are familiar with your firm. The proposals can only be evaluated on what is presented.”

The Tribunal has carefully examined the evidence on file and finds that there is no evidence that indicates that PWGSC incorrectly declared Neptune’s proposal non-compliant. Accordingly, there is no reasonable indication that the procurement has not been carried out in accordance with the applicable trade agreements.

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