



BY FACSIMILE

April 5, 2006

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**Re: Solicitation Number W8476-040015/B
Basil Corporate Solutions Inc. (File No. PR-2005-057)**

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Meriel V.M. Bradford) has reviewed the complaint submitted on March 31, 2006, on behalf of Basil Corporate Solutions Inc. (BCS), and has decided not to conduct an inquiry into this complaint.

According to subsection 6(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (the Regulations), a complaint shall be filed with the Tribunal “not 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 specifies that a potential supplier who has made an objection 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.”

BCS’s complaint alleges that the Department of Public Works and Government Services (PWGSC) did not allow adequate time for bidders to prepare their proposals in response to the subject solicitation. According to the complaint, BCS became aware of the short time frame on or about March 8, 2006, when it obtained the request for proposal from MERX. BCS objected to PWGSC on March 13, 2006, when it requested an 8 week extension to the closing date for receipt of proposals. Subsequent to this objection, the correspondence seems to indicate that there was some discussion between BCS and PWGSC, culminating on March 15, 2006, when PWGSC advised BCS by e-mail that the closing date for receipt of proposals would be extended for 2 weeks that is, until March 31, 2006.

The Tribunal considers that, at the latest, BCS had actual knowledge that its objection had been denied upon receipt of the PWGSC e-mail of March 15, 2006, when PWGSC granted a 2 week extension and not the requested 8 week extension. The Tribunal considers that BCS’s subsequent requests, on March 24 and 29, 2006, were, in effect, the same objection that had already been denied by PWGSC. In order for the complaint to be filed with the Tribunal in accordance with the provisions of subsection 6(2) of the Regulations, BCS would have had to have filed its complaint within 10 working days of receiving that denial of relief, or by March 29, 2006. As the complaint was not filed until

March 31, 2006, it was filed outside the allowable timeframe and, as such, cannot be considered by the Tribunal.

In your correspondence of April 4, 2006, you requested that the Tribunal advise you regarding:

- the provision of information identified by the Department of National Defence as proprietary; and,
- the internal BCS documentation regarding the bid preparation.

Given that the Tribunal has decided not to conduct an inquiry, that documentation will not have to be provided. Please be advised that that information was not necessary for the Tribunal to make its determination regarding your complaint and the fact that it was not included did not affect the Tribunal's consideration of your complaint.

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