



BY FACSIMILE

February 15, 2006

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**Re: Solicitation Number 21120-053631/B
Les Systèmes Equinox Inc. (File No. PR-2005-052)**

The Canadian International Trade Tribunal (the Tribunal) (Panel: Meriel V.M. Bradford, Presiding Member; Zdenek Kvarda, Member; Elaine Feldman, Member) has reviewed the complaint submitted on February 3, 2006, on behalf of Les Systèmes Equinox Inc. (Equinox), 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.”

Equinox’s complaint alleges that its financial proposal was improperly disqualified by PWGSC. According to the complaint, Equinox was informed on December 12, 2005, that the contract was being awarded to another company and that its financial proposal had been rejected for two reasons. On or before December 15, 2005, and as referred to in paragraph 12 of the complaint, Equinox objected to PWGSC regarding the rejection of its financial proposal and requested a debriefing. The debriefing took place on January 5, 2006. On January 19, 2006, Equinox sent an e-mail to PWGSC requesting that it provide “confirmation of [our] discussions at the debriefing”. On January 23, 2005, PWGSC responded by e-mail.

The Tribunal considers that Equinox knew of the basis of its complaint upon receipt of the PWGSC letter dated December 12, 2005. Equinox then objected by telephone to PWGSC on or before December 15, 2005, within the 10 working days stipulated by subsection 6(2) of the Regulations. The Tribunal notes that PWGSC confirmed, in its e-mail of January 23, 2006, that during the debriefing of January 5, 2006, it reviewed the reasons it had found Equinox's bid to be non-compliant. Equinox's own e-mail of January 19, 2006, indicates that during the debriefing of January 5, 2006, PWGSC maintained its position that the financial proposal was non-compliant. The Tribunal therefore considers that Equinox received its denial of relief at that debriefing. In order for the complaint to be filed with the Tribunal in accordance with the provisions of subsection 6(2) of the Regulations, Equinox would have had to have filed its complaint within 10 working days of receiving that denial of relief, or by January 19, 2006. As the complaint was not filed until February 3, 2006, it was filed outside the allowable timeframe and, as such, cannot be considered by the Tribunal.

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