



BY FACSIMILE

April 10, 2007

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Subject: Solicitation No. 86184-040089/A
Human Resource Systems Group Ltd. (File No. PR-2006-052)

The Canadian International Trade Tribunal (the Tribunal) (Meriel V. M. Bradford, Presiding Member) has reviewed the complaint submitted by Human Resource Systems Group Ltd. (HRSG) on March 29, 2007, and has decided not to initiate an inquiry into the complaint.

HRSG alleged that the Immigration and Refugee Board (IRB) failed to honour a signed contract awarded to it following a competitive procurement process. Specifically, it complained that the IRB refused to pay for travel time that HRSG had charged under the contract.

The Tribunal has reviewed the information provided and is of the view that it does not have jurisdiction to look into the matter.

Subsection 30.11(1) of the *Canadian International Trade Tribunal Act* states that, subject to the regulations, a potential supplier may file a complaint with the Tribunal concerning any aspect of the procurement process that relates to a designated contract and request the Tribunal to conduct an inquiry into the complaint.

According to Article 514(2)(a) of the *Agreement on Internal Trade*, the procurement process begins after an entity has decided on its procurement requirement and continues through to the awarding of the contract. According to Article 1017(1)(a) of the *North American Free Trade Agreement*, the procurement process begins after an entity has decided on its procurement requirement and continues through the contract award. General Note 2 of the *Agreement on Government Procurement* states that the procurement process is the process that begins after an entity has decided on its requirement and continues through to and including contract award.

In its complaint, HRSG submitted that it was awarded a contract on October 28, 2005, for a period of one year, with two one-year options. According to the complaint, on January 23, 2007, IRB objected to the travel time indicated on HRSG's invoice. The Tribunal is of the view that the dispute regarding invoice content and payment are matters of contract administration and beyond the jurisdiction of the Tribunal.

In light of the above, the Tribunal will not conduct an inquiry into the complaint and it hereby considers the matter closed.

Yours sincerely,

Hélène Nadeau
Secretary