



**BY FACSIMILE**

July 25, 2007

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Subject: Solicitation Number M9020-071025/A  
Mega-Technical Holdings Ltd. (File No. PR-2007-027)

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Pierre Gosselin) has reviewed the complaint submitted on behalf of Mega-Tech Holdings Ltd. (Mega-Tech) on July 16, 2007, and has decided not to initiate an inquiry into the complaint.

Mega-Tech alleged that the Department of Public Works and Government Services (PWGSC) rejected Mega-Tech's proposal because it was found to be non-compliant.

Paragraph 7(1)(c) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations (Regulations)* requires that the Tribunal determine whether the information provided by the complainant discloses a reasonable indication that the procurement has not been carried out in accordance with whichever of Chapter Ten of the *North American Free Trade Agreement (NAFTA)*, Chapter Five of the *Agreement on Internal Trade (AIT)* or the *Agreement on Government Procurement* applies. In this case, *NAFTA* and the *AIT* apply.

The Tribunal does not consider that there is any evidence that PWGSC acted in a manner contrary to *NAFTA* and the *AIT*. There is no information or evidence presented in the complaint as to the reason why Mega-Tech's bid was rejected or why the winning bid was accepted. Although Mega-Tech speculated that the proposal was rejected because of PWGSC's assessment of what Mega-Tech deemed to be sufficient to meet the requirement to provide a statement of compliance from an accredited laboratory, there is nothing in the complaint that indicates if that was indeed why PWGSC rejected Mega-Tech's proposal.

The Tribunal is therefore of the opinion that Mega-Tech's complaint does not disclose a reasonable indication that the procurement was not carried out in accordance with *NAFTA* and the *AIT*. In light of this conclusion, the Tribunal will not conduct an inquiry into the complaint.

This determination of the Tribunal does not preclude Mega-Tech from filing a complaint in relation to this ground should Mega-Tech not agree with the results of the evaluation of its bid, once it has been provided with that information by PWGSC. If Mega-Tech wishes to file a new complaint in relation to this ground, it must do so within the time frame established by subsection 6(1) of the *Regulations*.

Yours sincerely,

Hélène Nadeau  
Secretary