



BY FACSIMILE

August 31, 2007

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Subject: Solicitation No. F7045-060001
Canadian Boat Works (File No. PR-2007-032)

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: James A. Ogilvy) has reviewed the complaint submitted on behalf of Canadian Boat Works (CBW) on August 23, 2007, and has decided not to initiate an inquiry into the complaint. The complaint concerned the procurement by the Department of Public Works and Government Services (PWGSC) of eight mid-shore patrol vessels for the Department of Fisheries and Oceans—Canadian Coast Guard.

Subsection 7(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* sets out three conditions which must be met before the Tribunal may conduct an inquiry in respect of a complaint. One of the conditions is that the complaint be in respect of a “designated contract”. That term is defined at section 30.1 of the *Canadian International Trade Tribunal Act (CITT Act)* as “. . . a contract for the supply of goods or services that has been or is proposed to be awarded by a government institution”

According to Tab 2 of the complaint, on July 13, 2007, PWGSC informed all bidders that it had cancelled the solicitation relating to the above-referenced procurement. Other documents submitted as part of the complaint show that subsequent meetings and correspondence between CBW and PWGSC confirmed that the solicitation had been cancelled. The Tribunal notes that this was known to CBW before it filed the complaint. Finally, the Tribunal notes that these documents show that PWGSC has indicated that it is expecting to issue a new solicitation in the near future.

Given that the solicitation at issue has been cancelled, there no longer exists a contract “. . . that has been or is proposed to be awarded by a government institution” as contemplated by section 30.1 of the *CITT Act*. Therefore, the Tribunal does not have jurisdiction to conduct an inquiry into the complaint and considers the matter closed.

Yours sincerely,

Hélène Nadeau
Secretary