



**BY FACSIMILE**

November 5, 2007

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Subject: CB Richard Ellis Quebec Ltd. c/o CBRE Ottawa in association with CBRE (Global) Solicitation Number RFSO-PPAS-SRS-001 (File No. PR-2007-062); Solicitation No. SRS-NYRLSTY-001 (File No. PR-2007-065); and, Solicitation No. SRL-RLTLDN-001 (File No. PR-2007-066)

The Canadian International Trade Tribunal (the Tribunal) (Ellen Fry, Presiding Member) has reviewed the complaints submitted by CB Richard Ellis Quebec Ltd. c/o CBRE Ottawa in association with CBRE (Global) (CBRE) on October 25, 2007, with respect to three solicitations.

The Tribunal has written you under separate cover with respect to the complaint made by CBRE in File No. PR-2007-062 regarding Solicitation No. RFSO-PPAS-SRS-001.

Accordingly, this letter deals with File Nos. PR-2007-065 and PR-2007-066 only. With respect to these matters, the Tribunal has decided not to initiate an inquiry into these complaints.

CBRE's complaint in File No. PR-2007-065 relates to a procurement by the Department of Foreign Affairs and International Trade (DFAIT) for the development of a report on viable accommodation options for the future delivery of Canadian government programs in New York (the New York Solicitation). CBRE alleged that DFAIT improperly rejected its proposal.

Under subsection 6(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (the *Regulations*), a complaint must 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."

On May 24, 2007, DFAIT issued the New York Solicitation. Bids closed on July 13, 2007. In a letter dated August 3, 2007, which CBRE received on August 7, 2007, DFAIT informed CBRE that it could not accept its proposal. Based on the information submitted, the Tribunal is of the view that CBRE knew or reasonably should have known the basis of its complaint on August 7, 2007. CBRE filed its complaint with the Tribunal on October 25, 2007. Consequently, the Tribunal finds that the complaint regarding the New York Solicitation was filed beyond the time limit established by subsection 6(1) of the *Regulations*.

CBRE's complaint in File No. PR-2007-066 relates to a procurement by DFAIT for real estate consultants for the relocation of its London chancery (the London Solicitation). CBRE alleged that DFAIT should not have invited Grubb & Ellis to bid on the London Solicitation.

Paragraph 7(1)(c) of the *Canadian International Trade Tribunal Procurement Inquiry 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*, Chapter Five of the *Agreement on Internal Trade* or the *Agreement on Government Procurement* applies.

According to the complaint, on August 8, 2007, DFAIT informed CBRE that the top three bidders from Solicitation No. RFSO-PPAS-SRS-001 (which is the subject of File No. PR-2007-062) were Grubb & Ellis, CBRE and Deloitte & Touche. On August 24, 2007, DFAIT sent the London Solicitation to Grubb & Ellis, CBRE and Deloitte & Touche. On September 18, 2007, DFAIT advised CBRE that the contract had been awarded to Grubb & Ellis. On October 12, 2007, CBRE received a standing offer from Solicitation No. RFSO-PPAS-SRS-001. CBRE submitted that Grubb & Ellis ranked fourth for the Europe region in Solicitation No. RFSO-PPAS-SRS-001. CBRE was therefore of the view that Grubb & Ellis should not have been considered for the London Solicitation.

The information submitted indicates that the London Solicitation was separate from Solicitation No. RFSO-PPAS-SRS-001. There was nothing in the requirements for the London Solicitation indicating that the opportunity to bid on the London Solicitation was in any way linked to the results of Solicitation No. RFSO-PPAS-SRS-001. Consequently, the Tribunal is of the view that the complaint regarding the London Solicitation does not disclose a reasonable indication that the procurement has not been carried out in accordance with the applicable trade agreements.

In light of the foregoing, the Tribunal will not conduct an inquiry into these complaints and considers the matters closed.

Yours sincerely,

Hélène Nadeau  
Secretary