



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DECISION AND REASONS

File No. PR-2008-057

Vision Media Work Productions

*Decision made
Monday, March 16, 2009*

*Decision and reasons issued
Monday, March 23, 2009*

IN THE MATTER OF a complaint filed under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47

BY

VISION MEDIA WORK PRODUCTIONS

AGAINST

THE CANADA SCHOOL OF PUBLIC SERVICE

DECISION

Pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal has decided not to conduct an inquiry into the complaint.

Ellen Fry
Ellen Fry
Presiding Member

Hélène Nadeau
Hélène Nadeau
Secretary

STATEMENT OF REASONS

1. Subsection 30.11(1) of the *Canadian International Trade Tribunal Act*¹ provides that, subject to the *Canadian International Trade Tribunal Procurement Inquiry Regulations*,² a potential supplier may file a complaint with the Canadian International Trade Tribunal (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. Subsection 30.13(1) of the *CITT Act* provides that, subject to the *Regulations*, after the Tribunal determines that a complaint complies with subsection 30.11(2) of the *CITT Act*, it shall decide whether to conduct an inquiry into the complaint.
2. The complaint relates to a Request for Quotation (Reference No. CSPS-0809-MM-02) by the Canada School of Public Service (CSPS) for the services of a camera operator for Phase II of the 2009 Direccion Leadership Development Program.
3. Vision Media Work Productions (Vision) alleges that the CSPS should have awarded it the contract, since its proposal was the lowest-priced offer. According to Vision, the contract was awarded to a higher-priced bidder.
4. Subsection 7(1) of the *Regulations* sets out three conditions that must be satisfied before the Tribunal can conduct an inquiry in respect of a complaint. One of these conditions is that the complaint be in respect of a designated contract. A “designated contract” is defined as any contract or class of contract concerning a procurement of goods or services as described in Article 1001 of the *North American Free Trade Agreement*,³ Article 502 of the *Agreement on Internal Trade*,⁴ Article I of the *Agreement on Government Procurement*⁵ or Annex Kbis-01.1-2 of Chapter Kbis of the *Canada-Chile Free Trade Agreement*⁶ by a government institution. In order to qualify as a “designated contract”, a contract for services must be for an amount of at least \$76,500 under *NAFTA*, \$100,000 under the *AIT*, \$217,400 under the *AGP* and \$76,500 under the *CCFTA*.
5. According to the information provided in the complaint, the procurement was for services with an estimated value of \$15,300. Consequently, the estimated value is below the minimum monetary threshold required by the *AIT*, *NAFTA*, the *AGP* and the *CCFTA*. Therefore, the complaint is not in respect of a designated contract.
6. In light of the above, the Tribunal does not have jurisdiction to accept the complaint for inquiry.

1. R.S.C. 1985 (4th Supp.), c. 47 [*CITT Act*].

2. S.O.R./93-602 [*Regulations*].

3. *North American Free Trade Agreement between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America*, 17 December 1992, 1994 Can. T.S. No. 2 (entered into force 1 January 1994) [*NAFTA*].

4. 18 July 1994, C. Gaz. 1995.I.1323, online: Internal Trade Secretariat <http://www.ait-aci.ca/index_en/ait.htm> [*AIT*].

5. 15 April 1994, online: World Trade Organization <http://www.wto.org/english/docs_e/legal_e/final_e.htm> [*AGP*].

6. *Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile*, 1997 Can. T.S. No. 50 (entered into force 5 July 1997) [*CCFTA*].

DECISION

7. Pursuant to subsection 30.13(1) of the *CITT Act*, the Tribunal has decided not to conduct an inquiry into the complaint.

Ellen Fry
Ellen Fry
Presiding Member