

Ottawa, Friday, July 21, 2000

File No.: PR-99-034R

IN THE MATTER OF a determination by the Canadian International Trade Tribunal, dated March 6, 2000, relating to the complaint filed by MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc., under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985, (4th Supp.) c. 47;

AND IN THE MATTER OF a decision of the Federal Court of Appeal which set aside that part of the Canadian International Trade Tribunal's determination recommending the re-evaluation of the proposals submitted by MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc., a joint venture, and by Fleetway Inc., and which referred the matter back to the Canadian International Trade Tribunal so that the recommendation to re-evaluate the proposals in accordance with the methodology set out in the Request for Proposal include the proposal submitted by Siemens Westinghouse Incorporated.

DETERMINATION OF THE TRIBUNAL

The Canadian International Trade Tribunal, further to a judgement of the Federal Court of Appeal¹ hereby amends as follows the recommendation that it made in its determination on the above-mentioned complaint:²

The Canadian International Trade Tribunal further recommends that the Department of Public Works and Government Services and the Department of National Defence re-evaluate the technical merits of the proposals submitted by MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc., a joint venture, and by Fleetway Inc. and the proposal submitted by Siemens Westinghouse Incorporated, in accordance with the evaluation methodology set out in the request for Proposal, and proceed thereon with this procurement as provided in the Request for Proposal and the *Agreement on Internal Trade*.³

Arthur B. Trudeau

Arthur B. Trudeau
Presiding Member

Michel P. Granger

Michel P. Granger
Secretary

1. *Siemens Westinghouse v. Minister of Public Works and Government Services*, (23 June 2000), A-195-00, (FCA).
2. *MIL Systems*, (6 March 2000) PR-99-034 (CITT).
3. As signed at Ottawa, Ontario, on July 18, 1994.