



Ottawa, Monday, June 4, 2001

File No. PR-2000-070

IN THE MATTER OF a complaint filed by Lexmark Canada 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 made pursuant to subsection 30.16(1) of the *Canadian International Trade Tribunal Act* to award Lexmark Canada Inc. its reasonable costs incurred in relation to filing and proceeding with the complaint.

ORDER

INTRODUCTION

In a determination made on March 23, 2001, the Canadian International Trade Tribunal (the Tribunal), pursuant to subsection 30.16(1) of the *Canadian International Trade Tribunal Act*,¹ awarded Lexmark Canada Inc. (Lexmark) its reasonable costs incurred in relation to filing and proceeding with its complaint.

On April 11, 2001, Lexmark submitted to the Tribunal its claim for costs in the amount of \$2,327.25. The Canadian Museum of Civilization Corporation (CMCC) sent comments on Lexmark's claim on April 25, 2001. Lexmark responded to these comments on May 4, 2001.

COMPLAINT COSTS

Lexmark has claimed \$2,327.25 in expenses and has supported this claim with an invoice from a service provider. The expenses claimed consist of five hours by one consultant and six hours by another, with rates charged at \$175 per hour and \$200 per hour respectively.

The CMCC submitted that Lexmark's claim is excessive for a complaint of this level of complexity. The CMCC submitted that, as both consultants have similar experiences, there is a duplication of effort and that the rates charged are not consistent with the *Procurement Cost Guidelines* (the Guidelines).

The Tribunal is of the view that the hours worked by the consultants are quite reasonable and that each one brought a different experience to the complaint. However, the hourly rate applied is beyond the amount suggested in Appendix B to the Guidelines, which indicates that the allowable hourly rate for an outside service provider is \$125. The Tribunal sees no compelling reason to deviate from this amount. Therefore, the Tribunal allows expenses in the amount of \$1,471.25 (including GST).

1. R.S.C. 1985 (4th Supp.), c. 47.

CONCLUSION

The Tribunal hereby awards Lexmark costs in the amount of \$1,471.25 in relation to filing and proceeding with the complaint and directs the CMCC to take appropriate action to ensure prompt payment.

James A. Ogilvy
James A. Ogilvy
Presiding Member

Michel P. Granger
Michel P. Granger
Secretary