

Ottawa, Wednesday, February 13, 2002

File No. PR-2001-051

IN THE MATTER OF a motion made by DRS Technologies Inc. under rule 24 of the *Canadian International Trade Tribunal Rules* for the production of documents by the Department of Public Works and Government Services;

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

### ORDER

Having considered the motion made by DRS Technologies Inc. (DRS) and the submissions from the Department of Public Works and Government Services (PWGSC) dated February 8, 2002, the Canadian International Trade Tribunal (the Tribunal) orders, pursuant to subsection 17(2) of the *Canadian International Trade Tribunal Act*, that PWGSC file with the Secretary of the Tribunal, on or before Wednesday, February 20, 2002, the following documents relating to the evaluation process and the evaluation of proposals received in response to Solicitation No. W8485-01NA20/B:

- All documents that relate to those instances where an individual evaluator varied his or her score for the Risk (consequence of failure) factor from the initial estimated scores used to populate the Project Evaluation Software, prior to the evaluation team establishing the final consensus scoring for this factor. These documents are to include any notes made by an individual evaluator additional to the notes contained in the Project Evaluation Software. Documents relating to all three proposals are to be provided.
- All documents that relate to any presentation and/or briefing given to the evaluation team prior to the commencement of the evaluation, which gave the evaluation team direction on how to establish the consensus scoring. Also, all like documents on how to score:
  - the Risk (consequence of failure) factor; or
  - the Compliance, Capability and Risk (probability) factors, in those cases where the evaluators determined that the proposed system was not a proven product suitable for the Communications Management System (CMS) CP-140 aircraft installation.
- All documents that relate to the consideration by the Evaluation Review Board of DRS's proposal for:
  - the Risk (consequence of failure) factor; and
  - those instances where DRS's proposal received less than the highest available score for the Compliance, Capability and Risk (probability) factors because of an issue relating to whether the proposed system was a proven product suitable for the CMS CP-140 aircraft installation.

- All evaluation team reports on DRS's proposal that relate to the scoring of:
  - the Risk (consequence of failure) factor; and
  - those instances where DRS's proposal received less than the highest available score for the Compliance, Capability and Risk (probability) factors because of an issue relating to whether the proposed system was a proven product suitable for the CMS CP-140 aircraft installation.
- All interdepartmental and intradepartmental correspondence relevant to the evaluation of DRS's proposal for:
  - the Risk (consequence of failure) factor; and
  - those instances where DRS's proposal received less than the highest available score for the Compliance, Capability and Risk (probability) factors because of an issue relating to whether the proposed system was a proven product suitable for the CMS CP-140 aircraft installation.
- All documents relating to the reviews of DRS's proposal by the consultants, namely, BMCI, Electronic Warfare Associates and H.G. Schappert.

Patricia M. Close  
Patricia M. Close  
Presiding Member

Richard Lafontaine  
Richard Lafontaine  
Member

Ellen Fry  
Ellen Fry  
Member

Michel P. Granger  
Michel P. Granger  
Secretary