



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File No. PR-2005-004

Northern Lights Aerobatic Team,
Inc.

v.

Department of Public Works and
Government Services

*Order issued
Wednesday, May 11, 2005*

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

AND FURTHER TO a notice of motion filed by Northern Lights Aerobic Team, 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.

BETWEEN

NORTHERN LIGHTS AEROBATIC TEAM, INC.

Complainant

AND

**THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT
SERVICES**

**Government
Institution**

ORDER

Having considered the motion dated April 25, 2005, and the submission dated May 4, 2005, from the Department of Public Works and Government Services, and the submission dated May 6, 2005, from Northern Lights Aerobic Team, Inc., the Canadian International Trade Tribunal orders, pursuant to subsection 17(2) of the *Canadian International Trade Tribunal Act*, that the Department of Public Works and Government Services file with the Secretary of the Canadian International Trade Tribunal, on or before May 16, 2005, the following information and/or documentation relating to Solicitation No. W0153-03PM02/C:

- all written instructions given to evaluators;
- any evaluation plan developed or used by the Department of Public Works and Government Services or the Department of National Defence;
- any evaluation handbook developed or used by the Department of Public Works and Government Services or the Department of National Defence;
- all scoring documentation, including scoring tables developed or used by the Department of Public Works and Government Services or the Department of National Defence;
- any scoring supplements, guidelines or explanations developed or used by the Department of Public Works and Government Services or the Department of National Defence;
- the evaluation scoring, including raw scoring sheets from each evaluator, and each evaluator's scoring notes as they relate to Northern Lights Aerobic Team, Inc.'s bid evaluation; and
- all minutes, memoranda or other written notes arising from meetings of the technical evaluators as they relate to Northern Lights Aerobic Team, Inc.'s bid evaluation.

The Canadian International Trade Tribunal also orders, pursuant to subsection 17(2) of the *Canadian International Trade Tribunal Act*, that the Department of Public Works and Government Services file with the Secretary of the Canadian International Trade Tribunal, with the Government Institution Report, the following information and/or documentation relating to Solicitation No. W0153-03PM02/C:

- all correspondence between the Department of Public Works and Government Services or the Department of National Defence and Top Aces Consulting Inc. which relates to the aircraft operating instructions for the Alpha Jets proposed by Top Aces Consulting Inc.; and
- all correspondence in the possession of the Department of Public Works and Government Services and the Department of National Defence between the Government of Canada and Top Aces Consulting Inc. which relates to the Department of Transport's alleged refusal to permit the Alpha Jets to enter Canada.

Ellen Fry

Ellen Fry
Presiding Member

James A. Ogilvy

James A. Ogilvy
Member

Meriel V. M. Bradford

Meriel V. M. Bradford
Member

Hélène Nadeau

Hélène Nadeau
Secretary