



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File No. PR-2006-026

Canadian North Inc.

v.

Department of Indian Affairs and
Northern Development

and

Bradley Air Services Limited

*Order issued
Wednesday, December 20, 2006*

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

BETWEEN

CANADIAN NORTH INC.

Complainant

AND

**THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN
DEVELOPMENT**

**Government
Institution**

AND

BRADLEY AIR SERVICES LIMITED

Intervener

ORDER

WHEREAS the Canadian International Trade Tribunal (the Tribunal) has decided, pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act (CITT Act)*, to conduct an inquiry into the complaint filed by Canadian North Inc. (Canadian North);

AND WHEREAS Canada Post Corporation (Canada Post), though not a “government institution” within the meaning of section 30.1 of the *CITT Act*, issued the Request for Proposal (RFP) for the “Conveyance of Mail and Foodmail by air between Northern Quebec through Nunavut, the NWT and area communities” (TCS 04/95) and awarded the contract, in close collaboration with the Department of Indian Affairs and Northern Development, that led to the complaint filed by Canadian North;

AND WHEREAS Canada Post has or is likely to have in its possession documents that relate to the procurement in issue;

AND WHEREAS the Tribunal considers such documents to be relevant and important to the conduct of its inquiry;

AND WHEREAS, pursuant to subsection 17(2) of the *CITT Act*, the Tribunal has, as regards the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record;

UPON the Tribunal’s own motion;

THE TRIBUNAL ORDERS THAT:

A duly authorized representative of Canada Post shall deliver **on or before Friday, January 5, 2007**, to the office of the Secretary of the Tribunal, all the documents listed below:

- copies of all documents that relate to the evaluation of the proposal submitted by Canadian North in response to RFP TCS 04/95, including but not limited to the individual evaluators’ notes, all internal and external communications relating to the evaluation and subsequent debriefing, all tabulations and written summaries of the evaluation of the bids, all minutes of meetings of the evaluators and all other documents that pertain to the aforementioned evaluation

- a copy of the proposal submitted to Canada Post by Bradley Air Services Limited (carrying on business under the trade name of First Air) (Bradley Air Services) in response to RFP TCS 04/95
- copies of all documents that relate to the evaluation of the proposal submitted by Bradley Air Services in response to RFP TCS 04/95, including but not limited to the individual evaluators' notes, all internal and external communications relating to the evaluation, all tabulations and written summaries of the evaluation of the bids, all minutes of meetings of the evaluators and all other documents that pertain to the aforementioned evaluation.

The information provided by Canada Post may be designated as confidential by Canada Post in accordance with sections 43 to 49 of the *CITT Act*.

Elaine Feldman

Elaine Feldman
Presiding Member

Ellen Fry

Ellen Fry
Member

Meriel V. M. Bradford

Meriel V. M. Bradford
Member

Hélène Nadeau

Hélène Nadeau
Secretary