



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File No. PR-2007-079

Immeubles Yvan Dumais Inc.

v.

Department of Public Works and
Government Services

*Order issued
Friday, January 16, 2009*

IN THE MATTER OF a complaint filed by Immeubles Yvan Dumais 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 decision of the Canadian International Trade Tribunal issued on June 10, 2008, in which it determined that the complaint was valid and recommended that the Department of Public Works and Government Services compensate Immeubles Yvan Dumais Inc. for the profit that it lost in not being awarded the contract in question;

AND FURTHER TO a notice of motion filed by Immeubles Yvan Dumais Inc. pursuant to rule 24 of the *Canadian International Trade Tribunal Rules*, to obtain the production of certain documents or information by the Department of Public Works and Government Services.

BETWEEN

IMMEUBLES YVAN DUMAIS INC.

Complainant

AND

THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

Government Institution

ORDER

Having considered the motion dated December 10, 2008, filed by Immeubles Yvan Dumais Inc. (Dumais), the written representations of the Department of Public Works and Government Services (PWGSC) dated December 18, 2008, Dumais' response to these written representations dated December 23, 2008, in which Dumais added an element to its initial motion, PWGSC's written representations dated January 8, 2009, filed in response to the added element and Dumais' comments dated January 9 and 13, 2009, filed in response to PWGSC's representations, the Canadian International Trade Tribunal (the Tribunal) orders PWGSC, under subsection 17(2) of the *Canadian International Trade Tribunal Act (CITT Act)*, to file with the Tribunal, not later than January 26, 2009, the following information and documents pertaining to Solicitation No. 5224-529468:

- a copy of communications between PWGSC and Headway Corporation Ltd. (Headway) relating to the standardization and layout of its office space to meet the requirements and standards outlined in the "Lease Documentation Package for Lease Project Number 529468" [translation] and a copy of the plans and certificates of conformity;
- a breakdown of Headway's costs for the refit of the office space; and
- a list of the additional improvements that were made to Headway's office space and were borne by PWGSC, excluding the supporting documents and plans, as the Tribunal is of the opinion that these later two documents are not relevant to making a decision on the issue of Dumais' compensation.

The Tribunal notes that the confirmation referred to in paragraph 1(c) of Dumais' motion, according to which the leasehold improvements borne by PWGSC were all made by an independent contractor and not the lessor, has already been provided by PWGSC.

The Tribunal notes that, if the information or documents to be provided are confidential or contain confidential information that PWGSC wishes to protect, it should consult subsection 46(1) of the *CITT Act* and rule 15 of the *Canadian International Trade Tribunal Rules* and proceed accordingly.

Serge Fréchette
Serge Fréchette
Presiding Member

Hélène Nadeau
Hélène Nadeau
Secretary