



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File Nos. PR-2010-004R to
PR-2010-006R

Enterasys Networks of Canada
Ltd.

v.

Department of Public Works and
Government Services

*Order issued
Wednesday, June 29, 2011*

IN THE MATTER OF three complaints filed by Enterasys Networks of Canada Ltd. pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47;

AND FURTHER TO decisions to conduct inquiries into the complaints pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*;

AND FURTHER TO determinations of the Canadian International Trade Tribunal made on September 10, 2010, that the complaints were valid in part;

AND FURTHER TO a decision of the Federal Court of Appeal, which quashed the determinations of the Canadian International Trade Tribunal made on September 10, 2010, and referred the matter back to the Canadian International Trade Tribunal with the direction that the complaints be dismissed for want of jurisdiction.

BETWEEN

ENTERASYS NETWORKS OF CANADA LTD.

Complainant

AND

THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

Government Institution

ORDER

The Canadian International Trade Tribunal hereby dismisses the following complaints for want of jurisdiction:

- PR-2010-004—Solicitation No. EN869-104363/A (RVD 757)
- PR-2010-005—Solicitation No. 31026-090066/B (RVD 758[2])
- PR-2010-006—Solicitation No. 5Z011-100230/A (RVD 761)

Accordingly, the Canadian International Trade Tribunal hereby revises its preliminary award of costs in relation to the complaints. Pursuant to section 30.16 of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal awards the Department of Public Works and Government Services its reasonable costs incurred in responding to the complaints, which costs are to be paid by Siemens Enterprise Communications Inc. (formerly Enterasys Networks of Canada Ltd.).¹ In accordance with the *Guideline for Fixing Costs in Procurement Complaint Proceedings*, the Canadian International Trade Tribunal's preliminary indication of the level of complexity for these complaint cases is Level 3, and its preliminary indication of the amount of the cost award is \$3,500. If any party disagrees with the preliminary indication of the level of complexity or the preliminary indication of the amount of the cost

1. As a result of its amalgamation with other corporations on October 1, 2010, Enterasys Networks of Canada Ltd. no longer exists on its own, and its successor corporation conducts business under the name Siemens Enterprise Communications Inc.

award, it may make submissions to the Canadian International Trade Tribunal, as contemplated by the *Guideline for Fixing Costs in Procurement Complaint Proceedings*. The Canadian International Trade Tribunal reserves jurisdiction to establish the final amount of the award.

Serge Fréchette
Serge Fréchette
Presiding Member

Diane Vincent
Diane Vincent
Member

Stephen A. Leach
Stephen A. Leach
Member

Gillian Burnett
Gillian Burnett
Acting Secretary