



BY COURIER

Our File: PR-99-034

January 18, 2000

Mr. John L. Dickinson
Coordinator, CITT Complaints
Contract Claims Resolution Board
Public Works and Government Services Canada
Place du Portage, Phase III
7A1, #29
Hull, Quebec
K1A 0S5

Dear Mr. Dickinson:

Enclosed is a certified true copy of an Order issued by the Canadian International Trade Tribunal (the Tribunal) on January 18, 2000, requiring the production of certain documents, to be filed with the Tribunal on or before Thursday, January 20, 2000. The Tribunal will transmit these additional documents to counsel to the complainant and counsel to the intervener on Friday, January 21, 2000. Comments on the Government Institution Report, including the documents referred to in the enclosed Order, will be required to be filed with the Tribunal by January 27, 2000. The Tribunal will endeavour to release its findings and recommendations in this case on or about March 6, 2000.

Some of the documents you have been ordered to produce may contain confidential information. In that regard, I draw your attention to sections 43 through 49 of the *Canadian International Trade Tribunal Act*, which govern the disclosure of information in Tribunal proceedings. Please note that rule 12 of the *Canadian International Trade Tribunal Rules* (the Rules), deals with the filing of documents with the Tribunal and rule 15 of the Rules, deals with the filing of confidential information.

With respect to the disclosure of certain confidential documents to a consultant designated by the complainant the Tribunal has decided not to accept the undertaking submitted and will not grant permission to the complainant's counsel to transmit in any manner to that consultant information that has been designated confidential in this proceeding.

More detailed reasons for both the denial of access to confidential information by the consultant and the Order for the production of documents will follow.

Yours sincerely,

Michel P. Granger
Secretary

Encl.

c.c. Mr. David Sherriff-Scott
Borden Elliot Scott & Aylen

Mr. Ronald D. Lunau
Gowling, Strathy & Henderson



Ottawa, Tuesday, January 18, 2000

File No. PR-99-034

IN THE MATTER OF a request from MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc. for the production of additional documents to those provided by the Department of Public Works and Government Services in the Government Institution Report;

AND IN THE MATTER OF a complaint filed by MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc. under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47, and an inquiry by the Canadian International Trade Tribunal under subsection 30.13(1) of the *Canadian International Trade Tribunal Act*.

ORDER

Having considered the request from MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc. (MIL and Fleetway) and the submissions of the Department of Public Works and Government Services (the Department) and the intervener in this inquiry, Siemens Westinghouse Technical Services, a division of Siemens Westinghouse Incorporated (SWI), and a further submission from MIL and Fleetway dated January 17, 2000, the Canadian International Trade Tribunal (the Tribunal) orders that the Department file with the Secretary of the Tribunal, as part of the Government Institution Report, on or before Thursday, January 20, 2000:

- (1) a copy of all relevant portions of SWI's submission in response to the Letter of Interest (LOI) that the Department used to establish SWI's qualifications with respect to paragraph 4(a) of the LOI (Solicitation No. W8483-6-EFAA/A);
- (2) a copy of all relevant portions of SWI's proposal in response to the Request for Proposal (RFP) that the Department used to establish SWI's qualifications with respect to paragraph 1.3(a) of Section C, "Evaluation Criteria", of the RFP (Solicitation No. W8483-6-EFAA/B);
- (3) any supporting documents referenced in the portions of SWI's submission and proposal referenced above; and
- (4) any other documents or evidence used by the Department to establish SWI's qualifications with respect to paragraph 4(a) of the LOI and paragraph 1.3(a) of the RFP.

With respect to the specific items requested by MIL and Fleetway in its letter of January 6, 2000, the Department has agreed to produce item 13(b) and should do so at the same time as the documentation referenced above is filed with the Tribunal. With respect to the other items requested by MIL and Fleetway, only those elements of the remaining items that relate specifically to the above list need to be filed.

Arthur B. Trudeau

Arthur B. Trudeau
Member

Michel P. Granger

Michel P. Granger
Secretary