



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File No. PR-2012-035

Mistral Security Inc.

v.

Department of Public Works and
Government Services

*Order issued
Monday, March 18, 2013*

IN THE MATTER OF a complaint filed by Mistral Security Inc. pursuant to 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 Mistral Security Inc. pursuant to rule 24 of the *Canadian International Trade Tribunal Rules* for the production of documents by the Department of Public Works and Government Services.

BETWEEN

MISTRAL SECURITY INC.

Complainant

AND

THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

Government Institution

ORDER

Having reviewed the initial request, dated February 6, 2013, for the production of documents made by Mistral Security Inc. (Mistral), the submissions of the Department of Public Works and Government Services (PWGSC) dated February 8 and 19 and March 4, 2013, and Mistral's submissions dated February 11 and 22 and March 7, 2013, the Canadian International Trade Tribunal (the Tribunal) orders PWGSC, pursuant to subsection 17(2) of the *Canadian International Trade Tribunal Act*, to file with the Tribunal, not later than March 22, 2013, the following documents relating to Solicitation No. W8486-136120/A:

- Any documents or communications in the possession of the Department of National Defence (DND) relating to its re-designation of NABCO, Inc. explosive storage containers. The Tribunal does not require the disclosure of certificates relating to NABCO, Inc. explosive storage containers issued by the U.S. Department of Defense Explosives Safety Board. The Tribunal acknowledges that DND has been unable to identify any documents or communications relating to the re-designation of NABCO, Inc. explosive storage containers; however, to the extent that it should locate any such documents or communications, they should be disclosed without delay.
- Document Nos. 1 through 9 identified in Part B of PWGSC's public submissions to the Tribunal, dated February 19, 2013.
- Document Nos. 6 and 10 through 17 identified in Part C of PWGSC's public submissions to the Tribunal, dated February 19, 2013.
- Document Nos. 1 through 5 identified in Part C of PWGSC's public submissions to the Tribunal, dated February 19, 2013. The Tribunal recognizes that the disclosure of these particular documents is subject to any action that PWGSC or DND may take under section 38 of the *Canada Evidence Act*.

If the documents contain information that PWGSC wishes to be kept confidential, it should refer to subsection 46(1) of the *Canadian International Trade Tribunal Act* and rule 15 of the *Canadian International Trade Tribunal Rules* and proceed accordingly.

Serge Fréchette
Serge Fréchette
Presiding Member

Eric Wildhaber
Eric Wildhaber
Secretary