



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Procurement

---

## DECISION AND REASONS

File PR-2022-013

Veritaaq Technology House Inc.  
(o/a Experis)

*Decision made  
Tuesday, May 31, 2022*

*Decision and reasons issued  
Thursday, June 2, 2022*

IN THE MATTER OF a complaint filed pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*.

**BY**

**VERITAAQ TECHNOLOGY HOUSE INC. (O/A EXPERIS)**

**AGAINST**

**THE DEPARTMENT OF HEALTH**

**DECISION**

Pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal has decided not to conduct an inquiry into the complaint.

Frédéric Seppey  
\_\_\_\_\_  
Frédéric Seppey  
Presiding Member

## STATEMENT OF REASONS

[1] Subsection 30.11(1) of the *Canadian International Trade Tribunal Act*<sup>1</sup> (CITT Act) provides that, subject to the *Canadian International Trade Tribunal Procurement Inquiry Regulations*<sup>2</sup> (Regulations), a potential supplier may file a complaint with the Canadian International Trade Tribunal concerning any aspect of the procurement process that relates to a designated contract and request the Tribunal to conduct an inquiry into the complaint. Subsection 30.13(1) of the CITT Act provides that, subject to the Regulations, after the Tribunal determines that a complaint complies with subsection 30.11(2) of the CITT Act, it shall decide whether to conduct an inquiry into the complaint.

### SUMMARY OF THE COMPLAINT

[2] The complaint by Veritaaq Technology House Inc. (o/a Experis) (hereinafter “Experis”) relates to a request for proposal (RFP) issued by Health Canada (solicitation 1000228054) for Task Based Informatic Professionals Services.

[3] Experis submits that its bid was improperly evaluated, as Health Canada erroneously deducted points and relied on undisclosed criteria or failed to evaluate its bid in accordance with the published criteria.

[4] For the reasons below, the Tribunal is of the opinion that Experis’ complaint is premature. As such, the Tribunal has decided not to conduct an inquiry at this time.

### BACKGROUND

[5] The RFP was published on [Buyandsell.gc.ca](http://Buyandsell.gc.ca)<sup>3</sup> on March 9, 2022, with an initial closing date of March 24, 2022, at 2:00 p.m. EDT. Amendment 1 extended the closing date to March 31, 2022.<sup>4</sup>

[6] On May 13, 2022, Experis received a regret email, informing that, although its bid was found to be responsive to the mandatory requirements of the solicitation, it did not achieve the highest-ranking total score. More specifically, while Experis achieved perfect score with respect to the financial evaluation, it did not so on technical criteria.

[7] On the same day, Experis asked for a breakdown of its score on point-rated technical criteria, as well as the number of bids received. Health Canada provided the requested information.<sup>5</sup>

[8] On May 16, 2022, Experis requested a debriefing with Health Canada regarding Experis’ concerns on the scoring of its technical bid.<sup>6</sup>

[9] Having received no response from Health Canada, Experis filed this complaint with the Tribunal on May 27, 2022.

---

<sup>1</sup> R.S.C., 1985, c. 47 (4th Supp.).

<sup>2</sup> SOR/93-602.

<sup>3</sup> <https://buyandsell.gc.ca/procurement-data/tender-notice/PW-22-00989083>.

<sup>4</sup> Exhibit PR-2022-013-01 at 80.

<sup>5</sup> Exhibit PR-2022-013-01 at 631–632.

<sup>6</sup> Exhibit PR-2022-013-01 at 636.

[10] On May 30, 2022, Experis provided the Tribunal with an additional email from Health Canada indicating that it was preparing a proper response to Experis' concerns.<sup>7</sup>

## ANALYSIS

[11] Pursuant to section 6 and 7 of the Regulations, after receiving a complaint that complies with subsection 30.11(2) of the CITT Act, the Tribunal must determine whether the following four conditions are met before it can conduct an inquiry:

- (i) the complaint has been filed within the time limits prescribed by section 6 of the Regulations;
- (ii) the complainant is a potential supplier;
- (iii) the complaint is in respect of a designated contract; and
- (iv) the information provided discloses a reasonable indication that the procurement has not been conducted in accordance with the relevant trade agreements.

### **The complaint is premature**

[12] Pursuant to section 6 of the Regulations, a complainant has 10 working days from the date on which it first becomes aware, or reasonably should have become aware, of its ground of complaint to either object to the government institution or file a complaint with the Tribunal. If it objects to the government institution within the designated time, it may file a complaint with the Tribunal within 10 working days after it has actual or constructive knowledge of the denial of relief by the government institution.

[13] Experis made a timely objection to Health Canada within 10 working days of becoming aware of its ground of complaint. Indeed, Experis became aware of the basis of the complaint on May 13, 2022, when, after receiving a regret email, it found out about its compliance with the technical requirements of the RFP, and made an objection on May 16, 2022.

[14] When Experis filed its complaint with the Tribunal on May 27, 2022, it had not yet received a response from Health Canada to its May 16, 2022, objection, and much less a denial of relief. Later, on May 30, 2022, Health Canada replied that it was "looking into the below questions and is preparing a proper response".<sup>8</sup>

[15] In the Tribunal's view, given that Experis filed its complaint before having received a denial of relief from Health Canada, the complaint is premature. The Tribunal takes note of Experis' vigilance to the short timelines applicable to procurement complaints. However, the Tribunal cannot consider that the complaint, as drafted, meets the requirements of the Regulations at this time.

[16] The Tribunal therefore considers the complaint to be premature and will not conduct an inquiry at this time.

---

<sup>7</sup> Exhibit PR-2022-013-01A at 1.

<sup>8</sup> *Ibid.*

**Time frame for future complaint**

[17] The Tribunal's decision does not preclude Experis from filing a new complaint within 10 working days of receiving a denial of relief from Health Canada.

[18] Alternatively, if Health Canada fails to respond to Experis' concerns within 20 **calendar** days of the issuance of these reasons (that is, by June 22, 2022), Experis may consider the lack of response as a denial of relief. Experis would then have 10 **working** days from June 22, 2022, to file a new complaint with the Tribunal. Upon filing a new complaint, Experis may request that the documentation already filed with the Tribunal be joined to the new complaint.

**DECISION**

[19] Pursuant to subsection 30.13(1) of the CITT Act, the Tribunal has decided not to conduct an inquiry into the complaint.

Frédéric Seppey

---

Frédéric Seppey

Presiding Member