



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DETERMINATION

File PR-2023-010

EllisDon Corporation

v.

Department of Public Works and
Government Services

*Determination issued
Monday, September 25, 2023*

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

AND FURTHER TO a decision to conduct an inquiry into the complaint pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*.

BETWEEN

ELLISDON CORPORATION

Complainant

AND

THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

Government Institution

DETERMINATION

Pursuant to subsection 30.14(2) of the *Canadian International Trade Tribunal Act* (CITT Act), the Canadian International Trade Tribunal determines that the complaint is valid.

Pursuant to subsections 30.15(2) and (3) of the CITT Act, the Tribunal recommends, as a remedy, that the Department of Public Works and Government Services (PWGSC) compensate EllisDon Corporation (EllisDon) for its lost opportunity, if any. The Tribunal recommends that the parties negotiate the amount of compensation, if any, and, within 60 days of the date of the issuance of the Tribunal's reasons, report back to it on the outcome of the negotiations. Should the parties be unable to agree on an amount of compensation, the Tribunal will set a timeline for the filing of full submissions on this issue. The Tribunal reserves jurisdiction to establish the final amount of compensation.

Pursuant to section 30.16 of the CITT Act, the Tribunal awards EllisDon its reasonable costs incurred in preparing and proceeding with this complaint, which costs are to be paid by PWGSC. In accordance with the *Procurement Costs Guidelines* (Guidelines), the Tribunal's preliminary indication of the level of complexity for this complaint is Level 1, and its preliminary indication of the all-inclusive flat rate of the cost award is \$1,150. If any party disagrees with the preliminary indication of the level of complexity or the preliminary indication of the amount of the cost award, it may make submissions to the Tribunal within 10 days from the date of the issuance of the Tribunal's reasons, as contemplated in article 4.2 of the Guidelines. The Tribunal reserves jurisdiction to establish the final amount of the cost award.

Cheryl Beckett

Cheryl Beckett

Presiding Member

The statement of reasons will be issued at a later date.