



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

ORDER

File PR-2023-027

Coady Construction & Excavation
Limited

v.

Department of Fisheries and
Oceans

*Order issued
Friday, October 6, 2023*

IN THE MATTER OF a complaint filed by Coady Construction & Excavating Limited 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*;

AND FURTHER TO the withdrawal of the complaint by Coady Construction & Excavating Limited.

BETWEEN

COADY CONSTRUCTION & EXCAVATING LIMITED

Complainant

AND

THE DEPARTMENT OF FISHERIES AND OCEANS

**Government
Institution**

ORDER

WHEREAS Coady Construction & Excavating Limited (Coady) filed the above-mentioned complaint on August 4, 2023, in relation to a procurement (solicitation 30004482) made by the Department of Fisheries and Oceans (DFO) for the provision of construction services for the reconstruction of the launchway located in Burin, Newfoundland and Labrador;

AND WHEREAS in its complaint, Coady alleged that the contract was awarded to a supplier whose bid was non-compliant with the terms of the solicitation because the DFO invited the submission of further bids after the closing date of the solicitation and then awarded the contract to a supplier whose bid was allegedly submitted following the closing date of the solicitation;

AND WHEREAS the Canadian International Trade Tribunal decided, on August 10, 2023, to inquire into the complaint, pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act* (CITT Act) and subsection 7(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations*;

AND WHEREAS, on September 15, 2023, Coady notified the Tribunal that the parties had agreed to a withdrawal and discontinuance of the complaint without costs to either party;

AND WHEREAS subsection 30.13(5) of the CITT Act provides that the Tribunal may cease conducting an inquiry;

THEREFORE, pursuant to subsection 30.13(5) of the CITT Act, the Tribunal ceases its inquiry.

Each party will bear its own costs.

Susan D. Beaubien

Susan D. Beaubien
Presiding Member