



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DETERMINATION

File PR-2023-028

Leo-Pisces Services Group Inc.

v.

National Research Council of
Canada

*Determination issued
Tuesday, November 14, 2023*

IN THE MATTER OF a complaint filed by Leo-Pisces Services Group Inc. 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

LEO-PISCES SERVICES GROUP INC.

Complainant

AND

THE NATIONAL RESEARCH COUNCIL OF CANADA

**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 National Research Council of Canada (NRC) compensate Leo-Pisces Services Group Inc. (Leo-Pisces) for its lost opportunity to profit for the initial period of the contract at issue which will end on March 25, 2025. The Tribunal recommends that, using as a base the all-inclusive per diem rate quoted by Leo-Pisces in its financial bid submitted in response to solicitation 23-58008 for the initial contract period and the number of bidders who both complied with the mandatory technical criteria and obtained the minimum pass mark for the point-rated technical criteria, Leo-Pisces and the NRC negotiate the amount of compensation and, within 60 days of the date of the issuance of the Tribunal's reasons for its determination, report back to the Tribunal on the outcome of the negotiations. Should the parties be unable to agree on the amount of compensation, the Tribunal will advise as to next steps. The Tribunal reserves jurisdiction to establish the final amount of compensation for the lost opportunity.

Pursuant to subsections 30.15(2) and (3) of the CITT Act, the Tribunal also recommends that the NRC not exercise any of its options to extend the length of the contract awarded in this case beyond its initial period and, should the requirement continue to exist, reissue a competitive solicitation for the requirement in accordance with the provisions of the applicable trade agreements.

Pursuant to section 30.16 of the CITT Act, the Tribunal awards Leo-Pisces its reasonable costs incurred in preparing and proceeding with the complaint, which costs are to be paid by the NRC. In accordance with the *Procurement Costs Guidelines* (Guidelines), the Tribunal's preliminary indication of the level of complexity for this complaint case is Level 1, and its preliminary indication of the amount 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, as contemplated in article 4.2 of the Guidelines. The Tribunal reserves jurisdiction to establish the final amount of the cost award.

Bree Jamieson-Holloway
Bree Jamieson-Holloway
Presiding Member

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