



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Procurement

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## DETERMINATION

File PR-2024-044

White Bear Industries Ltd.

v.

Department of Government Works  
and Public Services

*Determination issued  
Wednesday, February 5, 2025*

IN THE MATTER OF a complaint filed by White Bear Industries Ltd. 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**

**WHITE BEAR INDUSTRIES LTD.**

**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 subsection 30.15(4) of the CITT Act, the Tribunal awards White Bear Industries Ltd. (WBI) its reasonable bid preparation costs, which costs are to be paid by the Department of Public Works and Government Services (PWGSC).

Pursuant to subsection 30.15(2) of the CITT Act, the Tribunal recommends as a remedy that PWGSC compensate WBI for its lost opportunity to profit, if any. Such compensation should be reduced by an amount equal to WBI's reasonable bid preparation costs.

Pursuant to section 30.16 of the CITT Act, the Tribunal awards WBI its reasonable costs incurred in preparing and proceeding with the complaint, which costs are to be paid by PWGSC. Having regard to the Tribunal's *Procurement Costs Guidelines* (Guidelines), the Tribunal's preliminary indication of the level of complexity for this complaint is Level 3, and its preliminary indication of the all-inclusive flat rate of the cost award is \$4,700.

The Tribunal asks the parties to negotiate and, within 90 days of the date of the issuance of the Tribunal's reasons, or such further time that the Tribunal may permit, report back on their discussions regarding bid preparation costs, the amount of compensation for lost opportunity, and, having regard to section 4.2.2 of the Guidelines, WBI's costs for preparing and proceeding with the complaint.

Should the parties be unable to agree on an amount of compensation, the Tribunal will set a timeline for next steps, including the filing of further materials. The Tribunal reserves jurisdiction to establish the final amount of compensation for lost opportunity, bid preparation costs and litigation costs.

Susan D. Beaubien

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Presiding Member

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