



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Procurement

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## DECISION

File PR-2025-006

Formation New Era Inc. and Martin  
Robichaud EduCo Services Inc. in  
Joint Venture

*Decision made  
Tuesday, May 13, 2025*

*Decision and reasons issued  
Wednesday, May 14, 2025*

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

**BY**

**FORMATION NEW ERA INC. AND MARTIN ROBICHAUD EDUCO SERVICES INC.  
IN JOINT VENTURE**

**AGAINST**

**THE DEPARTMENT OF EMPLOYMENT AND SOCIAL DEVELOPMENT**

**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 because it is premature.

Susana May Yon Lee

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Susana May Yon Lee  
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 must decide whether to conduct an inquiry into the complaint.

[2] Formation New Era Inc. and Martin Robichaud EduCo Services Inc. in joint venture (Formation) filed a complaint with the Tribunal on May 12, 2025, with respect to the rejection on March 19, 2025, of the bid it had submitted in response to a solicitation issued by the Department of Employment and Social Development (ESDC) for the procurement of facilitation services for the delivery of multiple virtual trainings to ESDC call centre employees (solicitation 100028281).<sup>3</sup>

[3] ESDC rejected Formation's bid on the basis that it did not comply with all the mandatory requirements of the solicitation. Formation disagrees and claims that its bid met all the mandatory requirements of the solicitation and should not have been disqualified.<sup>4</sup>

[4] Pursuant to subsection 30.13(1) of the CITT Act, the Tribunal has decided not to conduct an inquiry into this complaint because it is premature.

[5] The Tribunal considers that Formation made an objection to ESDC within the meaning of section 6 of the Regulations on March 31, 2025.

[6] While the Tribunal acknowledges that some time has passed since Formation has filed its objection with ESDC and that Formation has followed up with ESDC on several occasions,<sup>5</sup> the Tribunal finds that Formation has not yet received actual or constructive knowledge of the denial of relief it sought, within the meaning of subsection 6(2) of the Regulations.

[7] Formation may file a new complaint on the same grounds of complaint within **10 working days** of receiving a response from ESDC. Alternatively, if Formation does not receive from ESDC a definite response to its objection by May 29, 2025, Formation may file its complaint with the Tribunal within **10 working days** of the next working day after **May 29, 2025**.

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

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

<sup>3</sup> See Exhibit PR-2025-006-01; Exhibit PR-2025-006-01.A (protected).

<sup>4</sup> Exhibit PR-2025-006-01, p. 1–15.

<sup>5</sup> See, for example, *Axxys Construction Group* (17 October 2024), PR-2024-047 (CITT), where the Tribunal also found that the complaint was premature. This was because Axxys Construction Group had not yet received a response to its objection, even though more than 30 days had passed since it had made that objection to the government institution. Axxys Construction Group later filed a new complaint with the Tribunal after it received a definite response to that objection. See *Axxys Construction Group v. Department of Public Works and Government Services* (31 March 2025), PR-2024-057 (CITT).

**DECISION**

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

Susana May Yon Lee

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Susana May Yon Lee  
Presiding Member