



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DECISION

File PR-2025-024

Nuvis Technologies Inc.

*Decision made
Friday, August 29, 2025*

*Decision issued
Tuesday, September 2, 2025*

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

BY

NUVIS TECHNOLOGIES INC.

AGAINST

THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

DECISION

Nuvis Technologies Inc. (Nuvis) filed a complaint that relates to a request for proposals (solicitation WS5183049274) issued by the Department of Public Works and Government Services (PWGSC) on behalf of the Department of National Defence, for virtual reality spray painting systems for the Canadian Forces School of Aerospace Technology and Engineering.

The Canadian International Trade Tribunal has decided not to conduct an inquiry into the complaint, pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*.

The Tribunal finds that the following grounds of complaint are late:

- Mandatory criterion M6, added in the reissued solicitation, was not framed in functional terms.
- The addition of mandatory criterion M6 in the reissued solicitation narrowed competition and excluded otherwise compliant alternatives without a functional justification.

Regarding the two grounds of complaint above, the Tribunal finds that Nuvis did not make an objection to PWGSC or file a complaint with the Tribunal on those grounds within 10 working days of the reissued solicitation on June 2, 2025, pursuant to section 6 of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (Regulations).

The Tribunal finds that the following grounds of complaint do not disclose a reasonable indication that the procurement has not been conducted in accordance with the provisions relating to procurement of a trade agreement that applies in respect of the designated contract, pursuant to subparagraph 7(1)(c)(i) of the Regulations:

- PWGSC should have accepted the alternative to mandatory criterion M6 in Nuvis's bid since there is the following clause in the solicitation: "[t]he Contractor may provide alternatives that exceed these requirements".
- PWGSC did not provide a proper debrief as to why Nuvis's bid, which provided an alternative to mandatory criterion M6, was non-compliant.

On the first of these grounds of complaint, the Tribunal finds that Nuvis is not a “contractor” as defined in the solicitation. On the second, the Tribunal finds that the evidence does not show that Nuvis requested a debrief from PWGSC.

Susana May Yon Lee

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Presiding Member

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