



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DETERMINATION

File PR-2025-026

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

v.

Department of Employment and
Social Development

*Determination and reasons issued
Friday, January 9, 2026*

IN THE MATTER OF a complaint filed by Formation New Era Inc. & Martin Robichaud EduCo Services Inc. in joint venture, 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

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

Complainant

AND

**THE DEPARTMENT OF EMPLOYMENT AND SOCIAL
DEVELOPMENT**

**Government
Institution**

DETERMINATION

Formation New Era Inc. & Martin Robichaud EduCo Services Inc. in joint venture (Formation) filed a complaint with the Canadian International Trade Tribunal with respect to a solicitation issued by the Department of Employment and Social Development (ESDC) for facilitation services for the delivery of multiple virtual trainings to ESDC call centre employees.

The Tribunal determines that the complaint is valid, in part, with respect to the grounds of complaint for which the Tribunal had conducted an inquiry, pursuant to subsection 30.14(2) of the *Canadian International Trade Tribunal Act* (CITT Act).

The Tribunal finds that ESDC's conduct breached Article 516(1) of the Canadian Free Trade Agreement and Article XVI(1) of the World Trade Organization Agreement on Government Procurement in relation to Formation's ground of complaint that the procurement contained procedural flaws because ESDC did not release information on how the financial bids were evaluated.

The Tribunal finds that the appropriate remedy at this point would be one that ensures that the procedural flaws identified in this procurement process do not happen again.

The Tribunal awards Formation its reasonable costs incurred in the Tribunal's inquiry process, which costs are to be paid by ESDC, pursuant to section 30.16 of the CITT Act. The Tribunal's preliminary indication of the level of complexity for the grounds of complaint it inquired on in this complaint is Level 2, and its preliminary indication of the amount of cost award is \$2,750, in accordance with the *Procurement Costs Guidelines* (Guidelines). If any party disagrees with the preliminary level of complexity or indication of the amount of the cost award, it may make submissions to the Tribunal, within 10 working days of this determination, as contemplated in article 4.2 of the Guidelines. The Tribunal reserves jurisdiction to establish the final amount of the cost award to Formation.

The intervener, SoftSim Technologies Inc., will bear its own costs.

Susana May Yon Lee

Susana May Yon Lee
Presiding Member