



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DETERMINATION

File PR-2025-049

Rochester Midland Canada
Corporation

v.

Department of Public Works and
Government Services

*Determination issued
Wednesday, February 11, 2026*

IN THE MATTER OF a complaint filed by Rochester Midland Canada Corporation 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

ROCHESTER MIDLAND CANADA CORPORATION

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, in part, on the ground that the Department of Public Works and Government Services (PWGSC) failed to follow the phased offer compliance process set out in the tender documentation.

Pursuant to subsections 30.15(2) and (3) of the CITT Act, the Tribunal recommends as a remedy that PWGSC take the necessary steps to ensure, in future procurement processes, that it complies with the terms of its tender documentation, including any phased offer compliance processes. The Tribunal further recommends that, if PWGSC wishes to place any limitations on its phased offer compliance processes, these limitations are clearly outlined in its tender documentation.

Pursuant to section 30.16 of the CITT Act, the Tribunal awards Rochester Midland Canada Corporation its reasonable costs incurred in preparing and proceeding with this complaint, which costs are to be paid by PWGSC. The Tribunal's preliminary indication of the level of complexity for the grounds of complaint it inquired on in this complaint is Level 1, and its preliminary indication of the amount of cost award is \$1,150, 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.

The intervener, ChemAqua, a division of NCH Canada Inc., will bear its own costs.

Randolph W. Heggart
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Presiding Member

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