



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Procurement

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## COMPLAINT FORM

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## PROCUREMENT COMPLAINT FORM

### COMPLAINANT IDENTIFICATION

*A complainant can be a bidder or a prospective bidder (e.g. individual, partnership, corporation, joint venture).*

#### Corporate information

##### Individual authorized to file complaint:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Fax number: \_\_\_\_\_

##### Company:

Company Name: \_\_\_\_\_  
Suite Number: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Province / State, Country: \_\_\_\_\_  
Postal Code / Zip Code: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (year/month/day)

**COUNSEL IDENTIFICATION**

*Complainants may represent themselves or may retain independent counsel. Counsel includes any person who acts in a proceeding on behalf of a party, such as a lawyer or consultant.*

*\*Please note that confidential information is only made available to independent counsel.*

*If independent counsel is retained, provide the following information:*

**Counsel information**

Name of counsel: \_\_\_\_\_

Name of counsel's firm: \_\_\_\_\_

Suite Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Province / State, Country: \_\_\_\_\_

Postal Code / Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Forms**

To expedite proceedings, counsel should file the following forms with the complaint:

- Form I Notice of Participation (Party) (to be completed by complainant)
- Form II Notice of Representation (Counsel)
- Form III Declaration and Undertaking (Counsel and Consultant)

These forms are available on the Tribunal's Web site at [www.citt-tcce.gc.ca/en/forms](http://www.citt-tcce.gc.ca/en/forms).

**INFORMATION ON THE PROCUREMENT****Identification number**

*Include the type of process used for the procurement in dispute (e.g. Request for Proposal [RFP], Request for a Standing Offer [RFSO], Request for a Supply Arrangement [RFSAs], Invitation to Tender [ITT], Letter of Interest [LOI], Advance Contract Award Notice [ACAN],) as well as the solicitation and/or contract number provided by the contracting authority.*

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**Requisitioning authority**

*Name of the government organization whose needs are being met through the procurement.*

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**Contracting authority**

*Name of the government organization administering the procurement process.*

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**Product and/or service procured**

*Provide a short description of the product and/or service being acquired. If known, provide the Federal Supply Classification (FSC) code, the Goods and Services Identification Number (GSIN) or the NATO stock number (NSN).*

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**Date of the issuance of the solicitation**

*Date on which the Notice of Proposed Procurement (NPP) or ACAN appeared on Canada's Electronic Tendering Service (MERX), or [www.BuyandSell.gc.ca](http://www.BuyandSell.gc.ca), if applicable.*

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Date (year/month/day)

**Bid closing**

*Deadline for the submission of bids.*

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Date (year/month/day)

**Successful bidder**

*Name of the successful bidder, if known or if applicable.*

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**Contract award date if known or if applicable.**

Date (year/month/day)

**Estimated Value of the Procurement**

*Estimate of the contract value. Use the government's own estimated value, if known.*

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**OBJECTION TO THE CONTRACTING AUTHORITY**

*An objection is a complaint regarding a procurement made directly to the relevant contracting authority.*

*If there are two, or more, grounds for the complaint to the Tribunal, please provide the details of your objection for each ground of complaint in answering the following questions (i.e. how you objected, dates of the objection, content or nature of the objection, etc.).*

**Indicate if you made an objection**

Yes  No

If yes, specify **how** you objected (e.g. by telephone, fax, e-mail, letter)

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*Attach a copy of any written objection and identify the document in your list of attachments (refer to the Checklist in the Procurement Complaint Form Instructions). If you did not object in writing, please attach a summary that includes dates and times of communications.*

**Government institution to which objection was made**

*Name of the government organization.*

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*Name and title of the official to whom the objection was made.*

**Date of the objection**

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Date (year/month/day)

**Content or nature of objection****Relief requested from contracting authority**

*In the objection, what remedy did you seek from the contracting authority?*

**Date and nature of the contracting authority's response to the objection**

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Date (year/month/day)

## COMPLAINT TO THE TRIBUNAL

### Basic nature of the complaint

*Please explain the ground(s) for complaint*

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### Trade agreement(s) under which the complaint is made

*Cite the specific provisions of the applicable trade agreements. e.g. Article 506 of the Agreement on Internal Trade, or Article 1012 of the North American Free Trade Agreement (NAFTA) that you believe have been breached for each ground of complaint. You may wish to refer to the following links:*

*Trade agreements:*      [www.citt-tcce.gc.ca/en/legislation-agreements-and-others](http://www.citt-tcce.gc.ca/en/legislation-agreements-and-others)

*Thresholds:*      [www.tbs-sct.gc.ca/pubs\\_pol/dcgpubs/ContPolNotices/2013/13-5-eng.asp](http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/ContPolNotices/2013/13-5-eng.asp)

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### Remedy sought from the Tribunal

*Subsection 30.15(2) of the Canadian International Trade Tribunal Act provides that, where the Tribunal determines that a complaint is valid, it may recommend to the government institution any remedy that it considers appropriate, including any one or more of the following remedies.*

#### Indicate which remedy or remedies you are seeking by checking the appropriate box(es):

- that a new solicitation for the designated contract be issued;
- that the bids be re-evaluated;
- that the designated contract be terminated;
- that the designated contract be awarded to the complainant; or
- that the complainant be compensated by an amount specified by the Tribunal.
- other. Please explain:* \_\_\_\_\_

***If you are requesting compensation as a remedy, please briefly state the nature of your claim. For example, are you seeking to claim damages for lost profits or lost opportunity?***

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*Please note that the exercise of determining compensation is completed only once the Tribunal has decided on the merit of the complaint.*

*In all circumstances, claims for compensation must be accompanied by economic, financial or other evidence.*

**Costs**

*Please refer to the Procurement Costs Guidelines at [www.citt-tcce.gc.ca/en/Procurement\\_costs\\_guidelines\\_e](http://www.citt-tcce.gc.ca/en/Procurement_costs_guidelines_e) for more information.*

*Please indicate whether you are requesting reimbursement of complaint costs and/or bid preparation costs.*

- reimbursement of complaint costs*
- bid preparation costs*

**Postponement of the Contract Award**

*Under subsection 30.13(3) of the Canadian International Trade Tribunal Act, the Tribunal may order the government institution to postpone the award of a contract until the Tribunal determines the validity of the complaint. Note: This option only applies where a contract has not yet been awarded.*

***Indicate if you are seeking a Postponement of the Contract Award, if applicable.***

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**Detailed Statement of Facts and Arguments**

*Provide a clear and detailed statement of the facts and arguments supporting your complaint. For each ground of complaint, provide a timeline of the relevant dates, such as the date on which you became aware of the facts underlying that ground (or grounds) of complaint. Reference the relevant sections of the tender documents, if applicable. If known, explain why you believe that the procurement was not conducted in accordance with the applicable trade agreements. Use additional pages if necessary.*

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**AUTHORIZATION FORM**

*This form must be completed, dated, signed and included with the procurement complaint.*

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Company Name

- I confirm that this complaint **DOES NOT** contain any confidential information. I hereby advise the Canadian International Trade Tribunal that, should the complaint be accepted for inquiry, government officials involved in this procurement may be granted access to any future confidential documents that may be filed by the complainant in these proceedings, including comments on the Government Institution Report.
- I confirm that this complaint **DOES** contain confidential information. I hereby advise the Canadian International Trade Tribunal that, should the complaint be accepted for inquiry, government officials involved in this procurement may be granted access to the following: (a) the confidential version of the complaint; and (b) any confidential documents that may be filed by the complainant in these proceedings, including comments on the Government Institution Report.

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Name (Print)

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Signature

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Date (year/month/day)

Note: If you have identified information as confidential, you are required to produce a **public version** of the information by **blacking out or deleting** the information you wish to protect. This public version must be filed along with the complaint.