



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DETERMINATION

File PR-2023-053

EBC Inc.

v.

Department of Public Works and
Government Services

*Determination issued
Wednesday, April 10, 2024*

IN THE MATTER OF a complaint filed by EBC Inc. 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

EBC INC.

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.

Pursuant to subsections 30.15(2) and (3) of the CITT Act, the Tribunal recommends as a remedy that the Department of Public Works and Government Services (PWGSC) accept EBC Inc.'s (EBC) revised bid bond and evaluate EBC's proposal in accordance with the published evaluation criteria for the solicitation at issue. This evaluation should include a review of EBC's technical proposal at Phase II of the Phased Bid Compliance Process if that has not already been done.

Pursuant to section 30.16 of the CITT Act, the Tribunal awards EBC its reasonable costs incurred in preparing and proceeding with the complaint, which costs are to be paid by PWGSC. In accordance with the *Procurement Costs Guidelines* (Guidelines), the Tribunal's preliminary indication of the level of complexity for this complaint case is Level 1, and its preliminary indication of the amount of the cost award is \$1,150. If any party disagrees with the preliminary indication of the level of complexity or the preliminary indication of the amount of the cost award, it may make submissions to the Tribunal, as contemplated in article 4.2 of the Guidelines. The Tribunal reserves jurisdiction to establish the final amount of the cost award.

Bree Jamieson-Holloway

Bree Jamieson-Holloway

Presiding Member

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