



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DETERMINATION

File PR-2022-053

Chantier Davie Canada Inc. and
Wärtsilä Canada Inc.

v.

Department of Public Works and
Government Services

*Determination issued
Wednesday, February 1, 2023*

IN THE MATTER OF a complaint filed by Chantier Davie Canada Inc. and Wärtsilä Canada 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

CHANTIER DAVIE CANADA INC. AND WÄRSTILÄ CANADA INC. Complainants

AND

**THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT Government
SERVICES 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.

The ground of complaint concerning the adequacy of the debriefing is not valid.

The grounds of complaint concerning the evaluation of the bid submitted by Heddle Marine Service Inc. do not disclose a reasonable indication of a breach of the Canadian Free Trade Agreement because they were not presented with supporting evidence at the time of filing the complaint. Pursuant to subsection 30.13(5) of the CITT Act and section 10 of the *Canadian International Trade Tribunal Procurement Inquiry Regulations*, the Tribunal therefore ceases the inquiry and dismisses the complaint concerning these allegations or unsupported grounds of complaint.

The Department of Public Works and Government Services (PWGSC) failed to recognize that Chantier Davie Canada Inc. and Wärtsilä Canada Inc. met the requirements of section 6.6 of the solicitation. The ground of complaint concerning this issue is therefore valid.

Pursuant to subsections 30.15(2) and (3) of the CITT Act, the Tribunal recommends that PWGSC remedy the breach of the Canadian Free Trade Agreement by re-evaluating the bids received in response to the solicitation.

Each party will bear its own costs.

Eric Wildhaber

Eric Wildhaber
Presiding Member

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