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### **PROCUREMENT REVIEW: A PRACTITIONER'S GUIDE**

**Attwater**

**Release No. 3, December 2024**

*Procurement Review: A Practitioner's Guide* is a practical guide to the bid challenge process conducted by the Canadian International Trade Tribunal (CITT), and to issues that arise in procurements conducted by the federal government. It is directed at those "in the trenches" who want to understand the process and how the CITT has interpreted relevant trade agreements. The book provides practical advice for complainants and for government institutions defending against complaints. The book pieces together the CITT's decisions for purposes of elucidating policies governing procurement. It also provides commentary on the CITT's case law.

This release features updates to case law and commentary in Chapter 2 (The Bid Complaint Process), Chapter 3 (Other Procurement Issues) and Appendix A. Trade Agreements, Appendix A12 Canadian Free Trade Agreement.

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## Highlights

- **Other Procurement Issues – Evaluating Proposals – Debriefings**  
– In a *Complaint by Steeple Inc.*, the CITT had regard to the purposes of the procurement regime, articulated by the Federal Court of Appeal in *Almond Equipment Ltd.*, when clarifying the scope of a procuring entity’s duty to debrief. The CITT found that DND’s debriefing failed to meet the requirements of CFTA Article 516 as its communications were not forthcoming and lacked transparency. Accuracy and clarity of communication are relevant in assessing whether there has been a breach of the trade agreements: *Complaint by Steeple Inc.* (June 26, 2023), Doc. PR-2022-066 (C.I.T.T.).
- **Trade Agreements – Canada Free Trade Agreement – Future Reviews** – *Complaint by Steeple Inc.* (June 26, 2023), Doc. PR-2022-066 (C.I.T.T.), paras. 64-73. A bidder is entitled to complete, accurate and timely information allowing it to determine whether it has grounds for a complaint. DND’s debriefing failed to meet the requirements of Article 516(1) as its communications were not forthcoming and lacked transparency. Accuracy and clarity of communication are relevant in assessing whether there has been a breach of the trade agreements.