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

**Attwater**

**Release No. 3, November 2025**

*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), and Appendix B2, Canadian International Trade Tribunal Procurement Inquiry Regulations.

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## Highlights

- **The Bid Complaint Process—Who May File a Complaint—Potential Suppliers**—Effective June 13, 2025, the *Regulations Amending the Canadian International Trade Tribunal Procurement Inquiry Regulations* came into force for purposes of clarifying how the CITT is to interpret and apply Canada’s new reciprocal procurement obligations. The amended *Procurement Regulations* make clear which suppliers from specific countries or customs territories have standing to file a complaint with the CITT, codifying existing practice that limits standing to Canadian suppliers and suppliers from countries with which Canada has a procurement agreement applicable to the procurement. It also includes various clarifications to support the implementation of Canada’s reciprocal policy, including limiting potential remedies that may be recommended by the CITT.
- **The Bid Complaint Process—Initiating on a Prima Facie Indication of Jurisdiction**—Under amended section 10 of the *Procurement Regulations* the CITT must dismiss a complaint if certain conditions are met. The provisions of subsection 10(1) were amended to remove the CITT’s discretion to maintain a complaint where one of the triggering conditions was met and to recognize the new condition that must be satisfied before the CITT may initiate an inquiry.

Amended subsection 10(1) states that the Tribunal shall dismiss a complaint if:

- (a) after taking into consideration the Act, these Regulations and the provisions in respect of procurement of any applicable trade agreement, the Tribunal determines that the complaint has no valid basis;
- (b) the Tribunal determines that one of the conditions set out in paragraphs 7(1)(a) to (d) has not been met;
- (c) the complaint is not filed within the time limits set out in these Regulations or in any rules; or
- (d) the complainant has failed to file any information required by the Tribunal.