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

**Attwater**

**Release No. 2, August 2026**

*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 1 (Introduction), Chapter 2 (The Bid Complaint Process), Chapter 3 (Other Procurement Issues) and Appendix A (Trade Agreements).

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## Highlights

- **Chapter 2—The Bid Complaint Process—I. Preliminary Matters: Scope and Coverage—A. Who May File a Complaint—§ 2:1. Potential Suppliers**—In a Complaint by Quatrex Environmental Inc., the CITT took what can only be described as an “activist” position by recognizing Quatrex as a potential supplier after bid closing although it did not file a bid in the procurement. Quatrex was the manufacturer of the goods that were bid in response to the solicitation by its resellers/distributors. The CITT finding cites Quatrex as the manufacturer of the proposed goods, that it could have supplied the goods directly (as opposed to through a reseller/distributor) and that it did indirectly supply the goods. It added that as a Canadian supplier, upstream manufacturer or potential source supplier, Quatrex has a right to access justice through the CITT Act and CFTA. It recognized that Quatrex has a clear and direct economic interest in the solicitation and referred to CFTA Article 518.1(b) which allows a supplier that “has, or has had, an interest” in a covered procurement to challenge the failure of a Party to the CFTA “to comply with a Party’s measures implementing [Chapter 5 of the CFTA]”. (*Complaint by Quatrex Environmental Inc.*)
- **Chapter 2—The Bid Complaint Process—II. Initiating the Bid Complaint Process—C. A Complaint May Concern Any Aspect of the Procurement Process—§ 2:141. Procurement Process Defined**—The final step in a procurement process is contract award. The procurement process ends with the awarding of the designated contract. Although the trade agreements are clear on this point, CITT’s case law introduces confusion with statements. While there is a clear line between a procurement process and administration of the resulting contract, ambiguity may exist as to which side of the line an action may fall. This is so as the CITT has found that certain actions taken after contract award may still constitute part of the procurement process. For example, a re-evaluation of proposals after contract award recommended by the CITT has been acknowledged as part of the procurement process.