

## Publisher's Note

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## Procurement Review: A Practitioner's Guide

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*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 Chapters 1 (Introduction), 2 (The Bid Complaint Process) and 3 (Other Procurement Issues), as well as updates to the case law annotating the North American Free Trade Agreement (Appendix 2.2), the WTO Revised Agreement on Government Procurement (Appendix 2.9) and the Canadian Free Trade Agreement (Appendix 2.12).

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## Highlights

- **The Bid Complaint Process — Monetary Thresholds — Calculating the Value of a Contract** — There is no definition of “procurement value” in the CFTA. However, the agreement defines value contracts based on “remuneration,” using the examples of premiums, fees, commissions and interest. Thus, procurement value is based on monetary remuneration flowing from the procuring entity to the supplier. As remuneration was to flow from employees to the supplier, and not from a government entity, the subject contract had zero procurement value: *Complaint by Strength Tek Fitness* (April 23, 2018), Doc. PR-2017-054 (C.I.T.T.), paras. 41-43.
- **The Bid Complaint Process — The Basis of a Complaint — Bias/Procedural Fairness** — The CITT does not infer bad faith or bias on the part of evaluators or procurement officers absent material evidence thereof rather than mere supposition or insinuation: *Complaint by Vintage Designing Co.* (April 13, 2018), Doc. PR-2017-050 (C.I.T.T.), para. 51.
- **Other Procurement Issues — Determining Coverage by the Rules of Origin — CFTA — Canadian Suppliers** — New commentary discusses the Canadian Free Trade Agreement (CFTA) which replaced the Agreement on Internal Trade (AIT) on July 1, 2017, the purpose of the CFTA, and the requirements to be met under the CFTA for a supplier to be considered a “Canadian supplier”.