



PRACTICE NOTICE

GOVERNMENT PROCUREMENT

Complaints by Potential Suppliers - CITT Inquiries

The Tribunal has witnessed, in recent months, a tendency for parties to request extensions of various deadlines on an increasingly routine basis. While the Tribunal does not wish to deprive any party of its right to make its case or meet the case against it, it must also be sure to reserve an adequate amount of time in which to deliberate and make sound decisions within applicable statutory time frames. Quite often, especially in cases where there have been preliminary motions, extensions will mean that the Tribunal is left with insufficient time to consider and decide the matter within the prescribed 90-day time frame. In such cases, it must rely upon the additional time allowed for decision-making in cases where extensions are granted, i.e. a 135-day time frame.

Therefore, effective immediately, the Tribunal will not grant requests for extension as of right. Henceforth, extensions will only be granted in exceptional circumstances, with the underlying consideration being whether such an extension was necessary in order to do justice between the parties. Any request for extension must be accompanied by an explanation. Whether or not an explanation justifies an extension will depend on the facts of each particular case. Requests relating to workload or other internal concerns, or to changes in counsel, are, in the Tribunal's opinion, matters within a party's control and therefore will not ordinarily be considered as justifying an extension.

The Tribunal acknowledges that, on occasion, a government institution might find that the complainant's comments on the Government Institution Report raise new arguments or other points that were not present in the original complaint and that the government institution therefore needs an opportunity to respond to such comments. In such cases, the Tribunal will allow the government institution, upon request, seven days from the filing of the complainant's comments to file its response and the complainant, upon request, seven days from the filing of the government institution's response to file its reply. However, any request for extension of such periods for response or reply will be dealt with on a case-by-case basis, as indicated in the preceding paragraph, keeping in mind the statutory time frames.

Michel P. Granger
Secretary

Dated at Ottawa, Ontario
this 21st day of September 2001