

Federal Court  
of Appeal



CANADA

Cour d'appel  
fédérale

**Date: 20091021**

**Docket: A-163-09**

**Citation: 2009 FCA 305**

**CORAM: BLAIS C.J.  
SHARLOW J.A.  
LAYDEN-STEVENSON J.A.**

**BETWEEN:**

**LES SYSTÈMES EQUINOX INC.**

**Applicant**

**and**

**MINISTER OF PUBLIC WORKS AND  
GOVERNMENT SERVICES CANADA and  
ATTORNEY GENERAL OF CANADA**

**Respondents**

Heard at Ottawa, Ontario, on October 21, 2009.

Judgment delivered from the Bench at Ottawa, Ontario, on October 21, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

SHARLOW J.A.

**Date: 20091021**

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SHARLOW J.A.  
LAYDEN-STEVENSON J.A.**

**BETWEEN:**

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**Applicant**

**and**

**MINISTER OF PUBLIC WORKS AND  
GOVERNMENT SERVICES CANADA and  
ATTORNEY GENERAL OF CANADA**

**Respondents**

**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Ottawa, Ontario, on October 21, 2009)**

**SHARLOW J.A.**

[1] Les Systèmes Equinox Ltd. (“Equinox”) has applied for judicial review of the decision of the Canadian International Trade Tribunal dated March 12, 2009. Equinox submits that the decision of the Tribunal was unreasonable insofar as the Tribunal concluded that the Equinox bid was non-compliant.

[2] We are not persuaded that the decision is unreasonable. We note in particular that the Tribunal’s interpretation of the mandatory requirements of the Request for Proposal was based

on a methodology that was acceptable and not inconsistent with Article 506(6) of the Agreement on Internal Trade [*Canada Gazette*, Part I, Vol. 129, No. 17 (29 April 1995)]. This application will be dismissed with costs.

“K. Sharlow”

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J.A.

**FEDERAL COURT OF APPEAL**  
**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-163-09

**STYLE OF CAUSE:** Les Systèmes Equinox Inc.  
and Minister of Public Works  
and Government Services  
Canada and Attorney General  
of Canada

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** October 21, 2009

**REASONS FOR JUDGMENT OF THE COURT BY:** BLAIS C.J.  
SHARLOW J.A.  
LAYDEN-STEVENSON  
J.A.

**DELIVERED FROM THE BENCH BY:** SHARLOW J.A.

**APPEARANCES:**

Gordon LaFortune FOR THE APPLICANT

David Attwater FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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