

**Date: 20080212**

**Docket: A-258-07**

**Citation: 2008 FCA 57**

**CORAM: NOËL J.A.  
SHARLOW J.A.  
PELLETIER J.A.**

**BETWEEN:**

**SURESPAN CONSTRUCTION LTD.**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Ottawa, Ontario, on February 12, 2008.

Judgment delivered from the Bench at Ottawa, Ontario, on February 12, 2008.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**PELLETIER J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Ottawa, Ontario, on February 12, 2008)**

**PELLETIER J.A.**

[1] We are of the view that there is no reason for us to intervene in the decision of the CITT.

The applicant asked the CITT to commence an inquiry into the rejection of its bid for the construction of a bridge because the face page of the bid was not signed by an authorized official of the applicant as required by Tender documents. The CITT declined to embark upon an inquiry and dismissed the complaint summarily. It was argued before us that an inquiry would lead to consideration of whether the Government appropriately exercise the discretion which it had pursuant to the tender documents to waive minor irregularities in the tenders.

[2] There is no basis upon which the CITT's decision could be set aside. The question is one which is squarely within its expertise. It concluded that the presence of a signature was mandatory. In our view the necessary implication which flows from that conclusion is that the CITT did not consider the absence of a signature to be a minor irregularity. The application will be dismissed with costs fixed at \$2,000 inclusive of disbursements and taxes.

"J.D. Denis Pelletier"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-258-07

**STYLE OF CAUSE:** *SURESPAN CONSTRUCTION LTD.*  
*v. ATTORNEY GENERAL OF*  
*CANADA*

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** February 12, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL, SHARLOW, PELLETIER  
J.J.A.

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

**APPEARANCES:**

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FOR THE RESPONDENT

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