

Board established

Power of Board

Effect of withdrawal

Portion of Board of seven or more

Enforcement

Board Established

14 (1) There is hereby established a Board to be known as the Procurement Review Board, consisting of not more than five members, including the Chairman, to be appointed by the Governor in Council.

(2) The Board has, with respect to the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.

Complaints

15. Any potential supplier may, within the time and in the manner prescribed, file a complaint with the Board in relation to any aspect of the procurement relating to a contract awarded by a governmental institution when the contract is not entered into or a prescribed thing is not done and has a value that:

(a) exceeds the amount of the threshold set by Article 1304 of the Agreement or with lower amount as may be prescribed;

(b) is less than the amount of the threshold of the Code referred to in Article 1304 of the Agreement or such greater amount as may be prescribed.

16. (1) Subject to subsection (2), where the Board orders to commence an investigation into a complaint concerning a contract, it shall:

(a) shall, in a resolution referred to in the complaint, the contractual limitations and such other material factors as are prescribed and

(b) may order the governmental institution to postpone awarding the contract pending the termination of the investigation by the Board.

(2) The Board may set aside an order pursuant to subsection (1) where the governmental institution certifies in writing, within the time prescribed, that the procurement is report shall be acceptable to the public.

Composition of Commission

16 (1) The Commission is constituted by the following members: (a) a representative of the Government of Ontario; (b) a representative of the Government of Quebec; (c) a representative of the Government of the Province of New Brunswick; (d) a representative of the Government of the Province of Nova Scotia; (e) a representative of the Government of the Province of Prince Edward Island; (f) a representative of the Government of the Province of Saskatchewan; (g) a representative of the Government of the Province of Manitoba; (h) a representative of the Government of the Province of Alberta; (i) a representative of the Government of the Province of British Columbia; (j) a representative of the Government of the Province of Yukon; (k) a representative of the Government of the Province of Northwest Territories; (l) a representative of the Government of the Province of Nunavut.

(2) The Commission shall, in carrying out its functions, have the power to: (a) call for the production of any documents, books, papers, records, or other information in the possession, custody or control of any person; (b) examine any person; (c) administer oaths; (d) make such orders as may be necessary or proper for the exercise of its powers, rights and privileges; (e) make such recommendations as it may see fit.

Plaints

17. A person who has a complaint against a contractor or a potential supplier may, within the time and in the manner prescribed, file a complaint with the Board in relation to any aspect of the procurement relating to a contract awarded by a governmental institution when the contract is not entered into or a prescribed thing is not done and has a value that:

(a) d'une part, est supérieure au seuil fixé par l'article 1304 de l'Accord ou tel autre seuil inférieur établi par règlement;

(b) d'autre part, est inférieure au seuil de l'article 1304 de l'Accord mentionné à l'article 1304 de l'Accord ou tel autre seuil supérieur établi par règlement.

18. (1) Sous réserve de paragraphes (2), la Commission, si elle décide d'enquêter sur une plainte concernant un contrat, elle doit:

(a) dans un arrêté relatif à la plainte, l'institution contractuelle, les limites contractuelles et d'autres facteurs matériels pertinents; et

(b) peut ordonner à l'institution contractuelle de retarder l'attribution du contrat jusqu'à la fin de l'enquête.

(2) La Commission peut annuler un ordre émis en vertu du paragraphe (1) si l'institution contractuelle certifie par écrit, dans le délai réglementaire, que le contrat est acceptable au public.

Composition de la Commission

16 (1) La Commission est constituée de

17. Toute personne qui a une plainte contre un soumissionnaire ou un fournisseur potentiel peut, dans le

18 (1) Sous réserve de paragraphes (2), la Commission, si elle décide d'enquêter sur une plainte concernant un contrat, elle doit:

19. La Commission peut annuler un ordre émis en vertu du paragraphe (1) si l'institution contractuelle certifie par écrit, dans le délai réglementaire, que le contrat est acceptable au public.