
Under the principles set out in Annex 1305.3, bid challenges can concern any aspect of the procurement process, up to and including the contract award. This includes pre-notification, tendering and bidding and the evaluation of bids. Suppliers are, of course, encouraged to resolve any problem directly with the contracting authority at an early stage, although this does not prevent them from seeking other avenues of relief, including the bid challenge mechanism.

For those entities and procurements covered by the Government Procurement Chapter, a contracting authority receiving a bid challenge must ensure an impartial and timely review. Once a bid challenge is received, an investigation must be started as quickly as possible. The reviewing authority has the option of delaying the proposed award pending resolution of the challenge, except in cases of urgency or where the delay would be prejudicial to the public interest.

In making its decision, the reviewing authority can recommend the appropriate remedy, such as requiring the re-evaluation of offers or re-competing or terminating the contract. Apart from the actual case decision, the reviewing authority can make policy recommendations to the contracting authorities, such as procedural changes that would ensure adherence to the obligations of the Government Procurement Chapter.

Exchange of Information

The regular exchange of information on government procurement is an important part of ensuring transparency and identifying market opportunities. There are existing provisions for this exchange under the GATT Code. The Government Procurement Chapter in Article 1306 also provides that Canada and the United States shall exchange information on the procurements covered by the chapter, identifying the procuring entity and the product category, as well as sole sourcing statistics for each entity.

Defence Procurement

Both defence departments (National Defence in Canada and the Department of Defense in the United States) have listed products which are included in the coverage of the GATT Code and the Government Procurement Chapter of the Agreement. These are mainly non-military goods such as vehicles, engines, industrial equipment and components, computer software and equipment, and commercial supplies.