



Serving
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CANADIANS.

Fairness monitoring – what’s in it for me

How independent fairness monitoring can contribute to the procurement process

Fairness Monitoring and Business Dispute Management
Departmental Oversight Branch

Outline

What is a fairness monitor?

How does fairness monitoring work at PSPC?

Why fairness?

Observations collected from fairness monitors



What is a fairness monitor?



- Independent third party engaged to observe a procurement process
- Renders impartial opinions:
 - that the process established by the department is adhered to and
 - that decisions taken do not jeopardize the fairness, openness or transparency of the process
- Ultimate responsibility for fairness, openness and transparency rests with contracting authority

Will Observe and Assess



The fairness monitoring “lens”

Fairness

- Decisions are made objectively, free from bias, favoritism or influence and conform to established rules.

Openness

- The activity is accessible to all potential participants without unjustified restrictions as to who may participate.

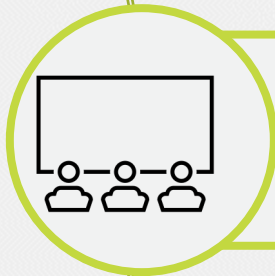
Transparency

- Providing information to the public and interested parties in a timely manner that facilitates public scrutiny.

Fairness monitoring at PSPC



Fairness Monitoring Program established in 2005
Departmental policy since 2009



Segregated from operational branches
carrying out procurement activities being
monitored



One of many departmental measures applied to
the procurement process so it is carried out with
integrity and **enhances public trust** in the way
the government does business.

What do we do?



Filtering out fairness issues

Procurement Strategy
Definition

Bid Solicitation
Process

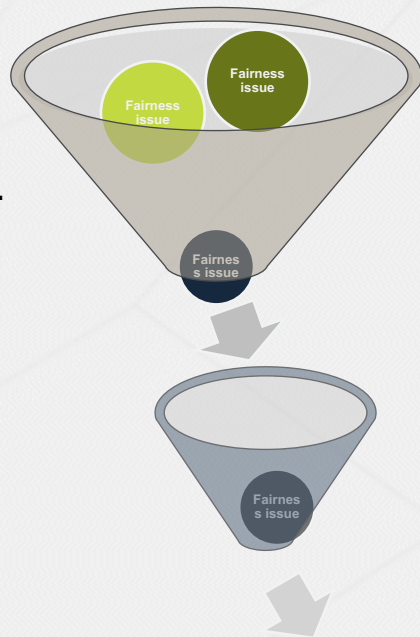
Bid Evaluation /
Negotiation
Process

Contract Award

Contract
Management and
Close-out

1st line of action: ACQUISITIONS PROGRAM AND PROCUREMENT OFFICER

2nd line of action: FAIRNESS MONITOR



Procurement Officer

- Involved from needs definition
- Overall responsibility for fairness, openness and transparency
- Most fairness issues are resolved before fairness monitor is involved
- Participates in internal meetings with management and clients
- Participates in meetings with suppliers and facilitates consensus meetings between evaluators

Fairness Monitor

- Involved once supplier-facing activities begin
- Identifies residual fairness issues
- Makes observations about fairness; does not make decisions
- Observes meetings with suppliers and consensus meetings between evaluators
- Provides independent, impartial attestation on fairness of a procurement process to be relied on by industry, parliament, public

The aim is to ensure the procurement process is fair, open, and transparent (and perceived to be so by stakeholders)

Why fairness?

Why do we care about fairness, openness, and transparency?

Key policy considerations

Values and ethics

Manage legal risk

Reputation

Fair playing field for all potential suppliers



Procurement – not an easy job

Purchase quality goods or services at a good price and on time

BUT ALSO...

Anticipate how others may interpret evaluation criteria

Anticipate loopholes

Not everything can be anticipated



Perception of fairness

Actual fairness

Policy requirement

Perceived fairness

In your best interest

Lengthy back and forth
Q & A from bidders
Escalation
CITT
Federal Court

Lessons learned

Best practices and lessons learned from procurements that were observed by fairness monitors



Observations from fairness monitors

Industry Engagement

Request for Proposals

Evaluation Criteria

Scoring Methodology

Consensus Meetings

Debriefing

Fairness deficiencies at PSPC

Real-time issues resolved at a working level **between FM and CA**

Deficiencies that couldn't be resolved between FM and CA will be reported to the **FMP**

Should FMP need to escalate the issue, the final decision regarding the Department's response to a fairness deficiency will be made by the **DM**

- FM: Fairness Monitor
- CA: Contract Authority
- FMP: Fairness Monitoring Program
- DM: Deputy Minister

Questions?

Fairness Monitoring Program
Departmental Oversight Branch

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THANK YOU!

Internet: www.tpsgc-pwgsc.gc.ca/se-fm/index-eng.html

Intranet (accessible to PSPC employees only): <https://masource-mysource.spac-pspc.gc.ca/eng/services/dgs-dob/se-fm/Pages/default.aspx>