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GOVERNMENT,  
serving  
CANADIANS.

# Fairness monitoring – what’s in it for me

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How independent fairness monitoring can contribute to the procurement process

Fairness Monitoring and Business Dispute Management  
Departmental Oversight Branch



Public Services and  
Procurement Canada

Services publics et  
Approvisionnement Canada

Canada

# Outline

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What is a fairness monitor?

How does fairness monitoring work at PSPC?

Why fairness?

Observations collected from fairness monitors



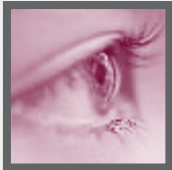
# What is a fairness monitor?



- 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

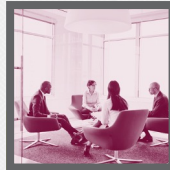
# Main fairness monitoring activities

The fairness monitor:



## Will Observe and Assess

- Communications with bidders such as Q&As and emails
- Solicitation documents
- Evaluator training and/or guide
- Contract award and regret letters
- Procurement team actions and decisions
- Provide attestation in written reports



## Will Attend

- Industry days
- One-on-one sessions
- Site visits
- Evaluation training and consensus
- Debriefing sessions



## Will Not

- Offer advice or guidance related to the procurement or technical elements
- Assume any of the roles and/or responsibilities of Departmental officials
- Provide legal advice

# 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.

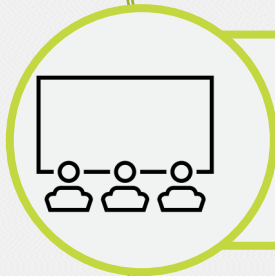
## Transparency

- 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

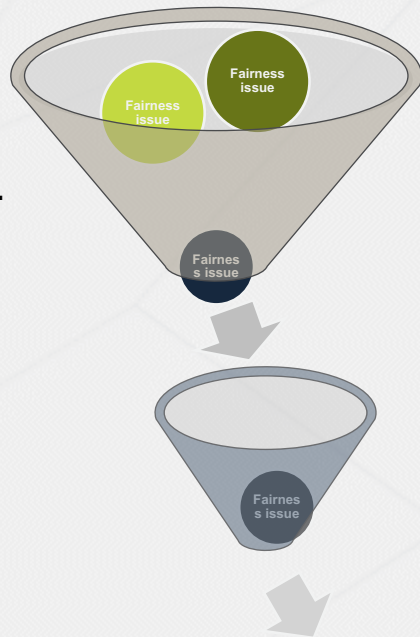
Bid Evaluation /  
Negotiation  
Process

Contract Award

Contract  
Management and  
Close-out

1<sup>st</sup> line of action: ACQUISITIONS PROGRAM AND PROCUREMENT OFFICER

2<sup>nd</sup> 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](http://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>