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# Fly on the Wall:

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Real life procurement challenges observed by independent fairness monitors

Fairness Monitoring and Business Dispute Management  
Departmental Oversight Branch

# Outline

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What is fairness monitoring?

How does fairness monitoring work at PSPC?

Why fairness?

The story of CA Joe



# What is a fairness monitor?

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A Fairness Monitor is an independent third party engaged to observe a departmental activity, to render an impartial opinion that the process established by the department is adhered to and that decisions taken do not jeopardize the fairness, openness and transparency of the process.

The Fairness Monitor provides ongoing feedback during the course of the monitored activity, particularly with respect to potential fairness deficiencies, so that issues may be resolved in real time thereby avoiding possible costly after-the-fact resolutions.



# Fairness Monitoring Reports

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The goal is to provide PSPC, its clients, industry, parliament and Canadians with assurance that the department is fair, open, and transparent in carrying out its activities.

The Fairness Monitoring Final Report is publicly posted on the PSPC internet site and includes a professional attestation as to the fairness, openness, and transparency of the monitored activity.

The vast majority of fairness monitoring engagements result in unqualified attestations from the FM.



# Fairness Monitoring at PSPC

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Fairness Monitoring Program was established in 2005

Departmental policy has been in place since 2009

Over 200 fairness monitoring engagements completed

Currently 77 active procurements being monitored by FMs including 4 for OGDs where PSPC is not the contracting authority



# Fairness monitoring at PSPC (cont)

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Management of fairness monitoring engagements is segregated from the operational branches carrying out the activities being monitored

There are formal criteria for how and when the use of fairness monitors must be considered

Standard Terms of Reference and Statement of Work = Consistent mandate for FM



# Fairness Monitoring Program

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Support clients within PSPC and in other departments in engaging a fairness monitor

Manage fairness monitoring contracts

Assist in resolution or escalation of potential fairness deficiencies

Post final reports on PSPC website

# TBS Contracting Policy

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“The objective of government procurement contracting is to acquire goods and services and to carry out construction in a manner that **enhances access, competition and fairness** and results in best value or, if appropriate, the optimal balance of overall.”





# Why fairness?

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

Key considerations set out in the Contracting policy

Values and ethics

Manage legal risk

Reputation

Fair playing field for all potential suppliers



# Procurement

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

**BUT ALSO...**

Anticipate how others may interpret evaluation criteria

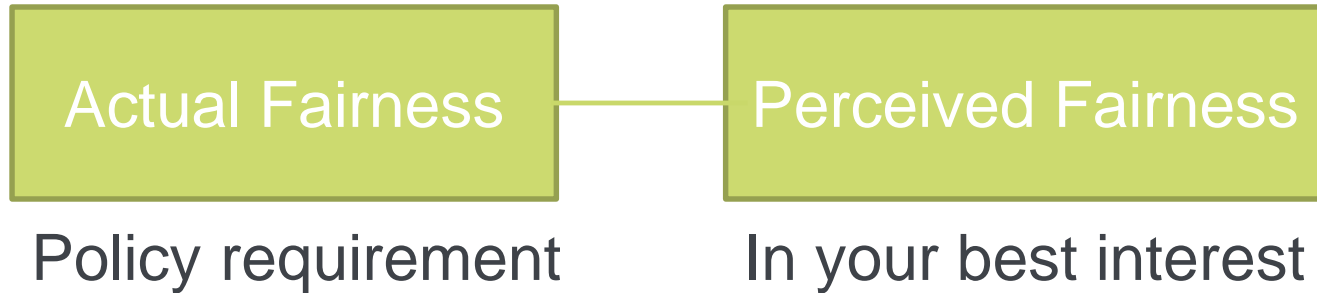
Anticipate loopholes

Not everything can be anticipated



# Perception of fairness

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

# Fairness Monitoring Observations

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# CA Joe's Requirement

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Canada has committed to putting in place a new DFO campus in Nova Scotia to consolidate:

- Coast Guard training facility
- Ocean science research centre



# Joe's Drafting of the RFP

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Clear, concise statement of work

Transparent evaluation grid

Third parties involved in drafting

Managing incumbent situation



# Best Practices – Drafting of the RFP

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Review by someone not involved in procurement

Indicate third parties involved in RFP drafting



# Best Practices - Incumbents

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All communications through formal channels

Minimum pass marks carefully considered

Contract period long enough for return on investment

Third party information made available



# Joe's RFP Phase

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Bidders' conference in Halifax

Videoconference available for suppliers that do not attend in person

Presentation by former CCG trainer

Discussions continue after meeting

# Best Practices - Communications

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Establish & enforce communications protocol

All communications go through official channels

Avoid chatting after meetings

Third party partners

– to abide by communications protocols

(Sr. Management, too!)



# Joe's Evaluation

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One evaluator based in Vancouver

- Air ticket– 1 week work trip then vacation!
- Evaluator booked for other meetings

Anomalies in spreadsheet

# Best Practices - Evaluation

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Thorough evaluation kick-off meeting

Try out evaluation spreadsheets ahead of time

Adequate time

Availability of evaluators

Peer review of results – technical and financial



# Joe's Debriefing

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Comprehensive written debriefing

Bidder requests in-person meeting

Experienced Manager

More meetings, more escalation



# Best Practices - Debriefing

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Preparation = anticipating questions, concerns, complaints

Script = what information you are prepared to share

Strategy = scope, objective, key message

Context = is this a question of win-lose?



# Questions? Comments?

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