

# Why follow the rules? **THEY don't!**



Michael Asner

I HAVE BEEN DELIGHTED over the course of my career to meet thousands of public procurement officials – upstanding, straight shooters with strong ethical views and a high regard for the policies and rules that govern their profession. However, in reading the news, one question keeps coming back to me: Why should procurement people follow the rules? Time after time, the media reports how our public leaders disregard procurement law and policy – and often with what seems to be little in the way of consequences. And, not only do procurement professionals then get painted with the same brush as our public leaders, but they are often left to defend the actions of politicians who keep on trafficking their purchasing influence.

Take a look at some recent reports (and there are lots of unreported scandals) from a few daily papers:

- September 20, 2003, *Toronto Star* – Under “Saturday Special” there was a story with the headline “Vaughan tenders spur controversy.” The story reported alleged irregularities in tendering procedures and presented pictures and biographical sketches of the “key players” – the mayor, the finance commissioner, the director of purchasing and the presidents of two construction companies. The article reported allegations that a commissioner pressured the director of purchasing to accept a late bid. The story dealt with court battles, the bidding process and allegations of mismanagement, misconduct, and improper procedures.
- October 25, 2003, *National Post* – In its “Review” section contained two short opinion pieces. The first, headed “Ethics – Innocent perks for Cabinet ministers,” was a tongue-in-cheek satire of the trips to the Irving lodge by cabinet ministers on Irving airplanes. It described a (fictional) conversation “Heard somewhere in the skies over Ottawa...” It was based on the imaginary message: “Welcome aboard Air Irving” and as part of the text stated that “...in the very likely event of a cabin depressurization, lucrative government contracts will drop from the compartment above you and you’ll be asked to sign them in your oxygen-deprived state.” On the same page, under the headline “Government Procurement – Rewarding features of Challenger Jets,” was a list of eight fake reasons attributed to the Prime Minister for buying two Challenger jets worth \$100 million. One of the reasons was: “It was the last day of Bombardier’s famous ‘Don’t Pay a Cent Because the Taxpayers Will Cover It Event’.”
- October 31, 2003, *Vancouver Sun* – On its “World” page, was an Associated Press article entitled “Bush donors get [US]\$8B in rebuilding deals – Contracts for Iraq, Afghanistan awarded.” That’s BILLIONS!! This article reported that, “Major contracts for Iraq and Afghanistan were awarded by the Bush administration without competitive bids, because agencies said competition would have taken too much time to meet urgent needs in both countries.” The story concludes that the largest contract for more than \$2.3 billion was awarded

to a Halliburton subsidiary, which used to be headed by US Vice-President Dick Cheney. The story was based on an investigative report produced by the Center for Public Integrity, a Washington-based research organization that produces investigative articles on special interests and ethics in government. (We need one of these in Canada, eh?)

- November 20, 2003, *Globe & Mail* – And my final example of a newspaper clipping, in his “Comment” piece, Lawrence Martin discusses “ethics and morality” and public procurement issues. He talks of the Chrétien government making us all cynical about government ethics. “Not to be forgotten is an auditor’s report, described by some as a time bomb, detailing the \$100-million spent on Bombardier jets, and how Mr. Chrétien’s government used Crown corporations to funnel millions to Liberal-friendly advertising firms.” Once again, procurement has become newsworthy.

Some of my colleagues – not those in procurement – would just say, “Michael, Michael, Michael... this is how the real world works. The political world is a lot more complicated than you can imagine. Cutting procurement deals is not exactly kosher, but often that’s how the work gets done.” And some of my lawyer friends would say, “It’s great for business!”

To those who hold those views, my question remains: why should any of us follow the rules then? Why should procurement people act as custodians of public policy, and worry about ‘fair and open competition’ when others don’t?

It seems obvious that this media attention is the direct result of those in power not listening to advice or recommendations from procurement professionals, or not understanding public policy, or not understanding what the courts have said – or simply choosing to ignore the rules.

In my opinion procurement people could follow the example being set by those in power and do a little collective rule breaking of their own. I mean, really, what’s the big deal? There do not seem to be unpleasant consequences. Why not use their positions to reward their own friends and supporters? My kid’s orthodontist gave me a great deal on braces; why not award the guy’s cousin Jack with a tire supply contract? My best friend’s daughter is starting her own business; why not help her by sending her a plum award? However, if procurement people did disregard the rules and the courts, I bet we’d soon see some action – major changes in procedures and a prompt visit from the RCMP! *mm*

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