

Federal Accountability Act highlights

by Anne Phillips

THE PROPOSED *FEDERAL Accountability Act* and Action Plan (www.faa-lfi.gc.ca/docs/ap-pa/ap-pa08e.asp) includes specific references to procurement, including the procurement of public opinion research (POR) and advertising. Highlights include:

- integrity provisions in contracts requiring action be taken to preclude corruption, collusion, and the payment of contingency fees;
- establishing a procurement auditor to:
 - review procurement practices across government on an ongoing basis and to make recommendations for improvement;
 - review complaints from potential suppliers after contract award with respect to procurements covered by the *Agreement on Internal Trade*, but below the monetary thresholds of that agreement (\$25,000 for goods and \$100,000 for services);
 - make recommendations to the relevant department on whose behalf the procurement was carried out should the procurement auditor consider the complaint valid;
 - review complaints concerning the administration of contracts;
 - manage an alternative dispute resolution program for contracts; and
 - submit an annual report to the Minister of Public Works and Government Services (PWGSC) on activities and outcomes; the report would be tabled in Parliament;
- engaging an independent procurement expert to review the draft policy on managing procurement to determine whether [it] will reinforce a fair, open, and transparent procurement process;
- introducing a *Code of Conduct for Procurement* to consolidate the existing conflict-of-interest and anti-corruption policies, and to apply to both suppliers and public service employees;
- providing accreditation and training for procurement officers;
- building on recent consultations between the supplier community and PWGSC regarding barriers to entry; and
- providing more resources and greater regional presence to the Office of Small and Medium Enterprises within PWGSC... ?

There are several changes being proposed that relate to procurement of POR and advertising:

- amending, by June 2006, the *Communications Policy of the Government of Canada* and related procedures to:
 - reflect the new statutory requirement for written reports;
 - include a requirement that the contracting of advertising and POR be open, fair, transparent, and competitive; and
 - include a new definition of advertising to distinguish advertising from collateral services such as public relations, events management, and public service announcements, following consultations with key stakeholders in the industry.
- requiring that POR contract information and executive summaries of completed projects be published on the Internet. The *Access to Information Act* continues to apply.

More detail on the new *Act* and its proposed measures to strengthen governance structures and audit procedures and more clearly define the roles, responsibilities and accountability of ministers and deputy ministers can be found at www.faa-lfi.gc.ca/docs/ap-pa/ap-pa13e.asp. ☺☺