

# Looking through a dirty window

by Michael Asner

## Vendors *can* discover if a public procurement is fair, open and transparent

**F**ROM FEDERAL, PROVINCIAL and municipal governments, to hospitals, school boards, crown corporations and other public agencies, the public sector is big business in Canada – \$100 billion worth of big business.<sup>1</sup> That's a lot of money. Vendors, in turn, spend millions of dollars chasing it, and many firms' success has been built on their ability to win substantial amounts of government business.

In the private sector, practically anything goes in terms of attempts to influence those involved in awarding lucrative contracts. In the public sector, however, policies, laws and court rulings are in place which mandate fair and open competition. But what exactly does that mean, and is it for real? How can you, the vendor, be sure that a public request for proposals process isn't actually "wired" in favour of your major competitor? How can you, the vendor, determine if it's worth submitting a proposal to a particular government agency?

Recent scandals, including the Gomery inquiry, have caused different levels of governments to take steps to reassure an increasingly skeptical public and vendor community. These two groups want assurances that 'fair and open competition' is more than just a slogan. Last September, the Honourable Michael M. Fortier, minister of Public Works and Government Services Canada announced the appointment of a procurement ombudsman and the introduction of the code of conduct for procurement – a bureaucratic approach to problem solving.<sup>2</sup>

There are simpler, more obvious approaches to reassuring the vendor community. One approach is to see if the agency has hired an external fairness commissioner to determine whether the procure-

ment process has been conducted properly. Hiring fairness commissioners is a growing trend in public procurement, but many agencies are still in transition. So what do you do in the meantime?

As an experienced fairness commissioner for numerous public organizations, my view is that vendors shouldn't wait until after the process is over and they've read the 'fairness' report to determine if the competition was clean and clear. Determining whether the process is 'fair and open' enough for you to invest in writing a proposal isn't difficult. In the vast majority of cases, the answers to a few simple questions will tell you up front most of what you need to know.

Before you begin debating the pros and cons of submitting a proposal, ask the agency for a little information. Send them an email before the pre-proposal meeting. (If you are concerned that the agency might not like your letter, send it through a third party.) This email/letter should seek confirmation that they satisfy six major indicators of 'fair and open' competition. (See letter.)

If you don't get an answer or don't like the answers you get, consider not spending all that money on writing a proposal.

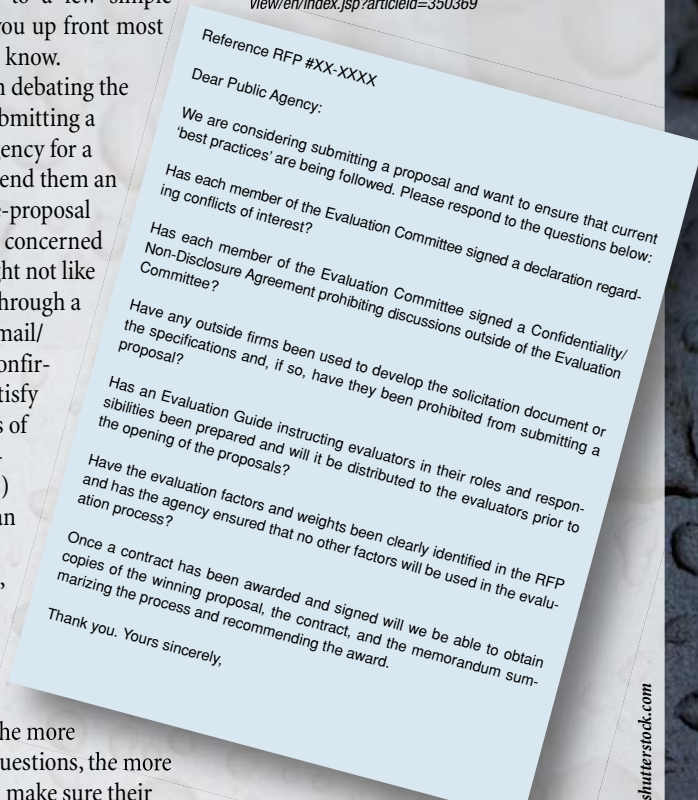
In my opinion, the more vendors ask these questions, the more public agencies will make sure their

windows are nice and clean. This benefits everyone – the agency itself, its political masters, the vendor community and, most importantly, the tax payer. ☺☺☺

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<sup>1</sup>Summit magazine Web page [www.summitconnects.com](http://www.summitconnects.com), About Summit Magazine

<sup>2</sup>The announcement can be found at: <http://news.gc.ca/web/view/en/index.jsp?articleid=350369>



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