



Office of the Procurement Ombudsman (OPO)



OPO's Mandate Within the Canadian Federal System

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Promoting Fairness, Openness and Transparency in Federal Procurement

Procurement in the Canadian Context

- ❑ **Over 300,000 contracts annually - \$15 to \$20B**
- ❑ **Numerous players in procurement:**
 - **Treasury Board**
 - **Justice Canada**
 - **Public Works and Government Services Canada**
 - **100+ departments & agencies**
- ❑ **Multiple requirements**
 - **Over 15 acts of Parliament**
 - **Over 35 policies**



Created to fill a gap

- Federal Accountability Act (2006)* - measures to strengthen accountability, increase transparency and oversight.
* Office created in 2006 - in operation since 2008**
- Procurement system was limited in providing recourse mechanisms for suppliers dealing with small dollar value contracts**
- No neutral dispute resolution mechanism available to departments & suppliers for lower dollar value contracts**
- No oversight body dedicated to federal procurement**



An Independent Organization

- Government-wide mandate operating at arm's length from departments**
- Reports to the Minister of Public Works and Government Services**
- Produce an Annual Report - Minister tables this report in Parliament**
- Neither a lobbyist for suppliers nor an apologist for federal departments**



Legislative Mandate

- 1. Review complaints respecting the award and administration of contracts**
- 2. Ensure Alternative Dispute Resolution (ADR) services are available**
- 3. Review procurement practices of departments for acquiring goods and services**



Mission and Method

❑ **OPO's mission: To promote fairness, openness and transparency in federal procurement (F.O.T.)**

❑ **Method:**



Educate

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- ❖ Listen – Understand
- ❖ Provide Information
- ❖ Answer Questions
- ❖ Bring Perspective
- ❖ Monitor and share trends and developments

What We've Heard...

- Primary areas of concern (suppliers):**
 - **Evaluation & selection plan**
 - **Procurement strategy**
 - **Statement of work**
 - **Evaluation of my bid**
 - **Contract execution**
 - **Inaction by Department**
- Other areas of concern (suppliers and federal officials):**
 - **Vendor performance**
 - **Procurement documentation**
 - **Training**



Facilitate

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- ❖ **Informal Resolution**
- ❖ **Shuttle Diplomacy**
- ❖ **Dialogue to de-escalate issue**
- ❖ **Alternative Dispute Resolution (ADR)**

Alternative Dispute Resolution (ADR)

- **Why:**
 - ❖ **Alternative to lengthy and costly litigation**
 - ❖ **To reach a mutually agreeable settlement and maintain business relationships**
- **What:**
 - ❖ **Disputes regarding application and/or interpretation of terms and conditions of a contract**
- **Who:**
 - ❖ **Either department or supplier can request**
 - ❖ **Both parties must agree to participate**



Investigations

- ❑ **Why:**
 - ❖ **To listen and address concerns from suppliers**
 - ❖ **Mandatory if regulatory criteria are met**
- ❑ **What:**
 - ❖ **Contract award – below 25K (goods) and 100K (services)**
 - ❖ **Contract administration – no dollar limits**
- ❑ **Who:**
 - ❖ **Canadian suppliers who submit a complaint in writing after a contract is awarded**

Procurement Practice Reviews

- **Why:**
 - ❖ Focus on the prevention of problems (educate)
 - ❖ Highlight areas for improvements and stimulate discussion
 - ❖ Identify and share effective practices
 - ❖ Provide balanced and useful recommendations
- **What:**
 - ❖ Review practices of departments to assess fairness, openness and transparency
 - ❖ Look at “systemic issues” in federal procurement
- **Who:**
 - ❖ Federal departments and agencies



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