



Office of the Procurement  
Ombudsman

Bureau de l'ombudsman  
de l'approvisionnement



# Procurement practice review: Review of bid solicitation processes

August 2018



Canada

## TABLE OF CONTENTS

<b>Introduction .....</b>	<b>1</b>
<i>Context .....</i>	<i>1</i>
<i>Review objective and lines of enquiry .....</i>	<i>2</i>
<i>Scope and methodology.....</i>	<i>2</i>
<i>Why this is important.....</i>	<i>3</i>
<b>Observations .....</b>	<b>4</b>
<i>Elections Canada has a robust procurement and contracting framework in place .....</i>	<i>4</i>
<i>LOE #1 – Information provided in solicitation documents.....</i>	<i>5</i>
Solicitations subject to trade agreements .....	5
Solicitations not subject to trade agreements.....	6
<i>LOE #2 – Communications between Elections Canada and potential bidders .....</i>	<i>8</i>
Responding to potential bidder questions.....	8
<i>LOE #3 – Bidding periods .....</i>	<i>9</i>
Solicitations subject to trade agreements .....	9
Solicitations not subject to trade agreements.....	10
<i>LOE #4 – Information requested in solicitations .....</i>	<i>11</i>
<b>Conclusion.....</b>	<b>12</b>
<b>Recommendations.....</b>	<b>13</b>
<b>Organizational response .....</b>	<b>13</b>

## Introduction

### Context

1. Pursuant to section 22.1(3) of the *Department of Public Works and Government Services Act*, the Procurement Ombudsman has the authority to review the procurement practices of departments to assess their fairness, openness and transparency.
2. The Office of the Procurement Ombudsman (OPO) gathers data from many sources, including issues raised by the federal procurement community, professional and industry associations, and other governments. OPO assesses the data gathered in order to determine whether it raises potential systemic issues or risks to fairness, openness and transparency. All issues are classified by OPO using key elements of the procurement process.
3. An analysis of these issues completed as part of the annual process to update OPO's 2016-2019 Procurement Practice Review Plan identified several potential issues regarding bid solicitation.
4. The *Treasury Board Contracting Policy* (TBCP) does not define bid solicitation; however, for the purposes of this review, the bid solicitation process is defined as all activities that occur from the time potential or pre-qualified bidders are notified of an opportunity to bid, up to, and including, the bid closing date. In the federal government, competitive bids are solicited either by giving public notice of the solicitation on the Government Electronic Tendering Service (GETS), or by soliciting bids directly from a select group of potential bidders, including those on pre-qualified lists.
5. A risk assessment of the issues related to the bid solicitation process was conducted. The risk assessment considered the likelihood of the risk occurring and the impact on fairness, openness and transparency. The assessment of the potential issues within the bid solicitation process identified that the highest risks to fairness, openness and transparency were:
  - Potential bidders do not bid due to poor communication during the solicitation period;
  - All potential bidders are not provided the same information during the solicitation period;
  - Some or all potential bidders do not bid or cannot bid effectively because they do not understand the requirement as the solicitation document is unclear;
  - An unclear solicitation document favours suppliers having previously done work (such as an incumbent) as they have a better understanding of the requirements;
  - Potential bidders do not bid because the solicitation period is too short; and
  - Potential bidders do not bid due to the complexity of the process and associated time and effort required.

6. The assessment conducted suggested there may be issues with bid solicitation processes used by federal organizations to acquire services. Consequently, as per subsection 4(1) of the *Procurement Ombudsman Regulations*, the Procurement Ombudsman determined there were reasonable grounds to review bid solicitation processes.
7. The Office of the Chief Electoral Officer (Elections Canada) was selected as the subject of this Procurement Practice Review (PPR) for three reasons. First, it was one of the top purchasing organizations, with over \$150 million in total purchasing activity according to the most recent Purchasing Activity Report published at the time of launch. Second, it had never been subject to a PPR conducted by OPO. Third, very limited information was available on Elections Canada's procurement activities from internal audits. Based on these factors, it was determined Elections Canada would be the subject of this review.

## Review objective and lines of enquiry

8. The objective of this PPR was to determine whether organizational practices for requesting information from, and providing information to, potential bidders during the solicitation period were consistent with applicable law, regulation and policy. More specifically, the *Financial Administration Act* (FAA) and the TBCP were considered. The review also sought to determine whether the organizational practices reviewed supported the principles of fairness, openness and transparency.
9. The objective was supported by the following lines of enquiry (LOE):
  - Solicitation documentation is clear and contains information potential bidders require to prepare a responsive bid;
  - Communications between federal organizations and potential bidders support the preparation of responsive bids;
  - Bidding periods are established in compliance with applicable policy, trade agreements, and procurement vehicle requirements; and
  - Information requested by federal organizations in solicitation documents is used as part of the procurement process.

## Scope and methodology

10. The scope of this review covered the period of January 2016 to March 2017. Elections Canada provided OPO with data indicating it awarded a total of 222 in-scope contracts during this period. These contracts totalled \$42 million.
11. The scope of this review was limited to competitive contracts for services awarded by Elections Canada during the review period. It excluded goods contracts, construction contracts, call-ups against standing offers, advance contract award notices, non-

competitive contracts and contracts issued pursuant to Public Services and Procurement Canada or Shared Services Canada procurement vehicles.

12. The review methodology included:
  - Review of applicable law, regulation, policy, trade agreements and guidelines;
  - Review and analysis of organizational procurement policies, reports, guidelines and internal documents related to competitive bidding processes;
  - Review and analysis of selected procurement files; and
  - Interviews with Elections Canada officials.
13. OPO reviewed 25 files, which represented approximately \$1.8 million in requirements.<sup>1</sup> The following is a summary of the coverage provided:

**Table 1.1: File review coverage**

<b>Files Reviewed</b>	<b>Subject to Trade Agreements</b>	<b>Not Subject to Trade Agreements</b>
Above \$25,000	12	7
Below \$25,000	0	6

### Why this is important

14. When tendering a contract, the Government of Canada has a duty to conduct a fair, open and transparent competition. The bid solicitation process, when not done properly, risks jeopardizing fairness, openness and transparency. One example of this is the provision of poor, inconsistent or unclear information during the bidding period which could result in potential bidders not bidding. Another example is bidding periods that are too short for the complexity of the requirement, possibly favouring the incumbent. Three rules designed to combat those risks include the following:
15. The FAA codifies the Government of Canada’s commitment to “taking appropriate measures to promote fairness, openness and transparency in the bidding process for contracts with Her Majesty for the performance of work, the supply of goods or the rendering of services.”
16. Section 2(a) of the TBCP requires that government contracting shall be conducted in a manner that will stand the test of public scrutiny in matters of prudence and probity. Section 4.1.3 also requires that, whenever practical, an equal opportunity must be provided for all firms and individuals to compete.

---

<sup>1</sup> Note that 2 of the 25 files reviewed related to the establishment of standing offers and there was therefore no contract value related to these.

17. When a federal organization follows these rules, a bid solicitation process should be fair, open and transparent. This will ensure an opportunity for all potential bidders to bid without favouring any particular bidder.

## Observations

### Elections Canada has a robust procurement and contracting framework in place

18. Elections Canada has developed a robust procurement and contracting framework which includes principles, policies, operational practices and tools to successfully manage its procurement of services.
19. Elections Canada has developed its own *Procurement and Contracting Policy (Policy)* that includes a suite of tools including a guide and framework. These tools are guided by the principles of fairness, openness, and transparency codified in the FAA. The Elections Canada *Policy* states that procurement activities must comply with applicable laws, policies, and trade agreements, and must withstand public scrutiny in the matters of prudence and integrity. Its *Policy* is consistent with the objectives of the TBCP which is the authoritative policy that applies to federal departments and agencies.
20. Elections Canada's *Procurement and Contracting Guide (Guide)* includes practices business owners (i.e. Elections Canada's staff) should follow. For instance, business owners are expected to prepare annual procurement plans which identify requirements, estimated dollar value, and target dates. These plans are to be reviewed twice a year. When developing requirements, business owners are expected to seek guidance from procurement staff and include legal services to identify risks and develop mitigation strategies. Elections Canada's *Guide* also provides guidance on how to manage contract performance and disputes.
21. Elections Canada has created process maps for each phase of procurement which identify tips such as how to effectively manage a contract in regard to monitoring performance and contract disputes. Elections Canada has also created risk assessment instructions and a checklist to determine if requirements are well-defined and if there are sufficient human and financial resources to support the administration of the contract.
22. In addition, Elections Canada has developed tools for operational staff to walk them through the procurement process. These tools, such as procurement operating instructions, file verification checklists and solicitation templates, address trade agreement requirements and rules such as public notice procedures, minimum advertised bidding periods and exemptions.

23. Through this review, OPO determined Elections Canada had developed a robust procurement and contracting framework, which constitutes a good practice. While analysis of this framework did not form part of the formal review, OPO's impressions were nonetheless positive and merited mention.

## LOE #1 – Information provided in solicitation documents

24. OPO reviewed 25 files to determine if Elections Canada included information in solicitation documents consistent with TBCP and applicable trade agreement requirements. For the purposes of this review, solicitations were grouped based on whether or not they were subject to a trade agreement.

### **Solicitations subject to trade agreements**

25. Section 2(d) of the TBCP requires that contracting authorities adhere to the provisions of the North American Free Trade Agreement (NAFTA), the World Trade Organization-Agreement on Government Procurement (WTO-AGP) and the Agreement on Internal Trade (AIT)<sup>2</sup>, as applicable. Generally, trade agreements apply if the good or service being procured is not an excluded good or service, and if the total estimated value of the procurement is above the trade agreement minimum dollar thresholds.
26. Where NAFTA or the WTO-AGP apply to a solicitation, Article 1013 of NAFTA and Articles VII(2) and X(7) of the WTO-AGP establish solicitation documentation information requirements. These include but are not limited to:
- The address of the entity to which tenders should be submitted;
  - The address to which requests for supplementary information should be submitted;
  - The language or languages in which tenders and tendering documents may be submitted;
  - The closing date and time for receipt of tenders and the length of time during which tenders should be open for acceptance;
  - A statement of any economic or technical requirements and of any financial guarantees, and any information and documents required from suppliers;
  - A complete description of the goods or services to be procured and any other requirements, including technical specifications, conformity certification and necessary plans, drawings and instructional material;
  - The criteria for awarding the contract, including any factors other than price that are to be considered in the evaluation of tenders and the cost elements to be included in evaluating tender prices; and
  - The terms of payment.

---

<sup>2</sup> AIT remained in force throughout the review period.

27. For solicitations where only the AIT applies, Article 506(6) of the AIT establishes that solicitation documentation must include the requirements of the procurement, the criteria that will be used in the evaluation of bids and the methods of weighting and evaluating the criteria.
28. Of the 25 files reviewed, 12 were subject to one or more trade agreements. Of these, 5 were only subject to the AIT. The solicitation documentation for these files included the requirements of the procurement as well as the criteria and weighting to be used in the evaluation of bids, as required by the AIT. The other 7 files, in addition to being subject to AIT, were also subject to NAFTA and/or the WTO-AGP. The solicitation documentation for these 7 files met the applicable AIT, NAFTA, and WTO-AGP requirements set out in the previous paragraphs. Overall, the information provided in the solicitation documentation for all 12 of these files was consistent with trade agreement requirements.
29. Sections 10.7.36 and 10.7.41 of the TBCP state that solicitations subject to trade agreements are also subject to requirements regarding information that must be included in the Notice of Proposed Procurement (NPP). The NPP is a summary of the solicitation and provides information to potential bidders to determine their ability to meet key conditions for bidding on a contract.
30. Of these 12 files, 10 met the NPP information requirements under the TBCP and trade agreements. The NPPs in the remaining 2 files did not provide the location where tenders should be sent, as required by the AIT and TBCP. This information was, however, included in the solicitation documents associated with these NPPs. OPO did not consider these 2 instances to have impacted the fairness of the procurement process.
31. Overall, despite these two minor deficiencies, OPO found that Elections Canada met the requirements of the TBCP and relevant trade agreements with respect to the information provided in Elections Canada's solicitation documents.

### **Solicitations not subject to trade agreements**

32. Of the 13 files that were not subject to a trade agreement, the requirements set forth in the TBCP were applicable. The TBCP requires, among other items, the following information to be included in solicitations:
  - A complete description of the requirement including technical specifications, dates, durations and certification requirements (section 4.1.9a); and
  - Evaluation criteria and selection methodology (section 10.7.27).
33. Elections Canada has procurement operating instructions in place for multiple types of procurements, including competitive procurements above and below \$25,000. These

instructions, as well as Elections Canada's *Guide*, establish solicitation documentation information requirements in addition to those listed above. Among others, these include:

- Basis of payment;
- A solicitation period closing date;
- Where and how to submit bids;
- Proposal validity period; and
- Supplier enquiry timeframe.

34. Of the 13 files not subject to trade agreements, 7 were solicitations valued above \$25,000. The information provided in the solicitation documentation for 6 of these files met the requirements established in the TBCP as well as the additional information requirements established in Elections Canada's *Guide* and procurement operating instructions.
35. The solicitation documentation for the one remaining file did not meet TBCP or Elections Canada internal guidance requirements. In this file, Elections Canada was soliciting bids for hotel accommodations and catering. The file included 3 quotes from bidders and a comparison of the prices and services offered by each bidder that supported the rationale for selecting the supplier. The solicitation document did not include evaluation criteria, selection methodology, closing date, proposal validity period or a supplier enquiry timeframe. These items would support a fair solicitation process. Excluding information relevant to the solicitation jeopardized the fairness of the process and could have affected potential bidders' abilities to submit responsive bids.
36. The remaining 6 of the 13 files reviewed were solicitations valued below \$25,000.
37. Of the 6 remaining files, 5 consisted of solicitation emails sent directly to potential bidders by Elections Canada and included a description of the requirement. The evaluation criteria and selection methodology in these files were not included in the e-mails sent to potential bidders. The remaining file did not include a solicitation document. While OPO's review of the files found that, generally, Elections Canada awarded to the lowest priced bid, or the only responsive bid, there was no indication this was its intention. Expressly stating the evaluation criteria and selection methodology is important to both fairness and transparency. Some of the files indicated that criteria other than price may have factored into the selection decision (e.g. proximity to meeting location, free parking and complimentary breakfast). To have not declared these additional factors undermines the fairness and transparency of the procurement process.
38. Overall, OPO found the solicitations in all 12 files that were subject to trade agreements, and 6 of 7 solicitations above \$25,000 not subject to trade agreements, fully complied with applicable requirements. However, one solicitation above \$25,000 and the 6 solicitations below \$25,000 did not comply with TBCP requirements and did not follow established Elections Canada internal guidance, thereby jeopardizing the fairness of the procurement process. As noted in the previous section, OPO found Elections Canada has robust guidance

and tools available to help its employees conduct procurement activities. OPO's findings for the solicitations having values below \$25,000 indicate Elections Canada's use of its guidance and tools should be improved.

## LOE #2 – Communications between Elections Canada and potential bidders

39. Sharing the same information at the same time with all potential bidders promotes fairness in the bid solicitation process. More specifically, section 10.7.38 of the TBCP states that “for procurements subject to NAFTA and the WTO-AGP... [a]ny significant information given by a contracting authority to a supplier with respect to a particular procurement shall be given simultaneously to all other interested parties and sufficiently in advance so as to provide all suppliers concerned adequate time to consider the information and to respond.”
40. Elections Canada has also established internal guidance in regard to communicating with potential bidders during the solicitation process. Section 21.4 of its *Guide* states “to protect the integrity of the procurement process, bidders must have equal access to all information pertaining to the requirement during the solicitation period. Therefore, all clarifications, modifications to the requirement, or any additional information related to the requirement must be transmitted simultaneously to all bidders.”

### Responding to potential bidder questions

41. During the bid solicitation process, potential bidders may communicate with federal organizations to obtain clarifications to support the preparation of responsive bids. OPO reviewed the 25 files to assess if all questions received by Elections Canada were responded to by sharing information simultaneously with all potential bidders.
42. Of the 25 files reviewed, 15 included questions from potential bidders and all received a response from Elections Canada. Of these 15 files, 6 files were subject to NAFTA and the WTO-AGP, which require that significant information given by a contracting authority to a supplier be given simultaneously to all other interested parties. All 6 files included solicitations and responses to potential bidders' questions through solicitation amendments published on GETS. Therefore, through answers provided by Elections Canada in response to questions, potential bidders had simultaneous access to information, which helps ensure an equal playing field.
43. Of the 15 files that included questions from potential bidders, there were 8 which were either subject to the AIT or to no trade agreement requirements. In these 8 files, Elections Canada was required to follow section 21.4 of its *Guide* which states that all clarifications to the requirements must be transmitted simultaneously to all bidders.

44. In all 8 files, the solicitation document was either posted on GETS or was sent by e-mail to a list of potential bidders. In these 8 files, Elections Canada met the requirements under its *Guide*.
45. The one remaining file that included a question from a potential bidder was in regard to a requirement below \$25,000. In this file, Elections Canada was soliciting hotel accommodations. The potential bidder asked if the dates of the accommodations were flexible and Elections Canada responded that they were not and did not share their response with other potential bidders. In this file, the solicitation was not subject to NAFTA or the WTO-AGP requirement that any significant information be shared simultaneously with other potential bidders. In addition, by confirming that the accommodation dates were not flexible and that the requirement would not change, Elections Canada did not provide any new information to the potential bidder that would have given it an unfair advantage.
46. Overall, Elections Canada met the relevant requirements regarding communications with potential bidders. OPO found that all questions from potential bidders during the bidding period received a response from Elections Canada. These responses were shared simultaneously with potential bidders for all 14 files above \$25,000. For the 1 file below \$25,000 where a question was asked regarding accommodation date flexibility, Elections Canada's response should have been shared with all potential bidders. However, OPO found no evidence of unfair advantage in this instance because the response simply re-affirmed information already contained within the solicitation.

### LOE #3 – Bidding periods

47. OPO reviewed the 25 files to determine whether bidding periods were established in compliance with applicable policy and trade agreement requirements. For the purposes of this review, this section was divided according to whether or not the solicitation was subject to trade agreements.
48. As stated in Elections Canada's *Guide*, providing bidders with sufficient time to prepare a proposal relative to the complexity of the solicitation is necessary for bidders to prepare a responsive bid. This is an appropriate measure to promote fairness and openness in the bidding process.

### **Solicitations subject to trade agreements**

49. Section 2(d) of the TBCP states that government contracting shall be conducted in a manner that complies with the government's obligations under NAFTA, the WTO-AGP, and the AIT.
50. Of the 25 files reviewed, 12 were subject to one or more trade agreements (NAFTA, the WTO-AGP and/or the AIT) which include specific bidding periods for solicitations. There

were 7 solicitations that were subject to NAFTA or the WTO-AGP and 5 which were subject to the AIT only.

51. The bidding period for solicitations subject to NAFTA or the WTO-AGP is 40 days for a contract awarded through open tendering. All 7 of the solicitations subject to either NAFTA or the WTO-AGP were posted publicly on GETS for at least 40 days.
52. For requirements subject to AIT, the bidding period must allow a reasonable period of time considering the time required to disseminate information and the complexity of the requirement. The Elections Canada *Guide* stipulates that this should be a minimum of 15 calendar days. All 5 solicitations subject to the AIT met this requirement.
53. Overall, OPO found that in all 12 files subject to trade agreements, Elections Canada fully complied with the bidding period requirements in the TBCP, applicable trade agreements and its internal guidance.

### **Solicitations not subject to trade agreements**

54. Elections Canada's *Guide* states that "to comply with the obligation to conduct a fair, open and transparent procurement process, the procurement advisor and business owner must ensure that suppliers are allowed enough time to submit a proposal in response to a procurement opportunity with Elections Canada." This includes establishing a bidding period with start and end dates so that potential bidders are informed in advance of the amount of time they have to prepare a responsive bid.
55. Section 22 of the *Guide* also refers to the importance of having a clear bidding period for the solicitation. It states that "the rules of receipt and the closing date of the solicitation period must be clearly stated in the solicitation document."
56. There were 13 solicitations that were not subject to trade agreements. These included 7 solicitations for requirements above \$25,000 and 6 below \$25,000.
57. OPO assessed the bidding periods for the 7 files above \$25,000 to determine whether potential bidders were provided enough time to submit a bid.
58. In 6 of the 7 files, Elections Canada established clear start and end dates to the bidding periods, which ranged from 8 to 42 days. In these cases, potential bidders were solicited by e-mail or through GETS and the solicitation document included a date and time after which bids would no longer be accepted. In these 6 files, Elections Canada met the guidance established in its *Guide*.
59. The remaining file above \$25,000 did not meet Elections Canada's requirement that solicitation documents include a clear bidding period. In this file, potential bidders were

solicited directly by e-mail for the cost and availability of hotel accommodations. The documentation on file to support the winning bidder was an e-mail asking for a quote, which did not include a bid closing date.

60. The remaining 6 files were for requirements below \$25,000. Paragraph 37 (above) indicated how Elections Canada had not included a clear selection methodology in its solicitations for requirements below \$25,000. In these files, potential bidders were solicited by e-mail and were not given a bid closing date. In one file, a potential bidder was asked to respond as soon as possible. Considering the lack of documentation in these files and that bid closing dates were not established, it is not clear whether potential bidders were treated fairly. According to Elections Canada's *Guide*, clear solicitation periods must be established to ensure that suppliers are treated fairly.
61. Overall, all 12 files that were subject to a trade agreement established a clear bidding period. Of the 13 files not subject to a trade agreement, 7 did not follow Elections Canada's *Guide* with respect to establishing a bid closing date. In these cases, Elections Canada's failure to establish a bid closing date may have impacted the fairness of the procurement process.

#### LOE #4 – Information requested in solicitations

62. Bidding on government contracts is a burdensome process that requires time, effort, and costs for suppliers. The burden associated with the complexity and volume of paperwork associated with bidding on government contracts has been an ongoing concern for several years. In its 2012 "Cutting Red Tape... Freeing Business to Grow" report, the Red Tape Reduction Commission noted the increased volume and complexity of paperwork required for federal procurement bids.
63. OPO assessed whether Elections Canada sought to minimize the administrative burden on suppliers by ensuring that all information requested in solicitation documents was used to evaluate bids.
64. In 20 of the 25 files, the information requested in the solicitation documents was used to evaluate the bids of suppliers. In the remaining 5 files reviewed, Elections Canada requested references from bidders as part of the mandatory or point-rated criteria to assess the bid. These solicitations included a caveat that Elections Canada was not required to validate the references. Bidders were expected to complete a client reference template that included the contact information for the references. Finding the references, ensuring they met the requirements of Elections Canada, and confirming that they were available to speak with officials of Elections Canada may have placed an unnecessary burden on suppliers in instances where these references were not verified. According to the information in the files, none of the references were verified.

65. There is also a risk that reference checks are not administered fairly in the bid evaluation process. Conducting a reference check on a bidder may impact the responsiveness of their bid. To ensure fairness, when one reference is verified, the references for all bidders who submitted a bid should be verified. In these 5 files, Elections Canada mitigated the risk by including guidance on how reference checks should be conducted. The solicitation documents noted that if Elections Canada decided to contact client references related to one or more of the technical evaluation criteria, it would contact the client references for all remaining responsive bidders for those same criteria. Although no client references were contacted in the files reviewed, this wording supported fair treatment of suppliers in the event client references were contacted.
66. Overall, in the vast majority of files reviewed, Elections Canada used the information requested in solicitation documents. In 5 files, Elections Canada requested information in solicitation documents that may have placed an unnecessary burden on suppliers by asking for references and not conducting reference checks. However, Elections Canada did include appropriate wording in their solicitation documents to ensure the fair treatment of bidders in the event client references were conducted.

## Conclusion

67. OPO concluded that Elections Canada had a robust procurement and contracting framework which included the policies, practices, and operational tools to conduct fair and transparent procurement processes.
68. In the majority of files reviewed, the information included in the solicitation documents met requirements. One exception was noted in regard to a solicitation above \$25,000 which did not include the necessary information according to the TBCP.
69. OPO noted communication between Elections Canada and potential bidders was conducted in a fair and transparent manner. All answers to potential bidder's questions were shared simultaneously with other potential bidders so no bidders were provided with an unfair advantage.
70. The bidding periods were clearly established in the majority of the files reviewed. However, OPO noted one exception in regard to a requirement above \$25,000 which did not have a clearly established bidding period. OPO also noted several exceptions on requirements below \$25,000, which may have had an impact on the fairness of the solicitation process.
71. The vast majority of information requested by Elections Canada in solicitation documents was used as part of the evaluation process. However, an unnecessary administrative burden may have been placed on bidders by requiring them to submit client references

that were never verified by Elections Canada. Nonetheless, Elections Canada has guidance in place to mitigate the risk of using reference checks in an unfair manner.

## Recommendations

72. The Procurement Ombudsman recommends that Elections Canada continue to develop and implement its robust procurement and contracting framework by considering the following recommendations:
- a. Ensure all solicitations meet the *Treasury Board Contracting Policy* and the Elections Canada *Procurement and Contracting Guide* requirements for establishing bidding periods, with particular emphasis on those requirements below \$25,000.
  - b. Ensure evaluation criteria and selection methodology are included in the solicitation documents, particularly on those requirements below \$25,000.

## Organizational response

73. In accordance with section 5 of the *Procurement Ombudsman Regulations*, the Procurement Ombudsman provided Elections Canada the opportunity to comment on the proposed recommendations in this review and the reasons for them. Elections Canada was given the opportunity to comment on the review's findings, and comments were taken into consideration prior to the report being finalized and published. The following response was provided.
74. Elections Canada is in agreement with and supports the recommendations contained in this report.
75. As an Agent of Parliament with its own unique operational context, Elections Canada relies on a small dedicated team of professionals to support the agency's procurement needs. During the reporting period, of January 2016 to March 2017, Elections Canada's procurement team processed a total of 788 requests valued at \$76,576,678 of which 259 requirements exceeded \$25,000 representing a total value of \$71,935,769.
76. Elections Canada recognises the importance of sound procurement practices as a key success factor in achieving its business objectives and welcomes the expertise of the Office of the Procurement Ombudsman to reinforce its procurement practices. It notes that the Office of the Procurement Ombudsman has positively recognized Elections Canada's efforts in implementing streamlined and robust procurement and contracting framework, including policies, operational practices, processes and tools.
77. Elections Canada will review processes below \$25,000, enhance applicable procurement operating instructions and increase training and tools provided to business owners to ensure we take all steps necessary to fully address the recommendations of this report.

These steps will further enhance and strengthen the procurement and contracting framework at Elections Canada with overall benefits to our organization, suppliers and Canadians.