

PROMOTING FAIRNESS, OPENNESS & TRANSPARENCY IN FEDERAL PROCUREMENT

OFFICE OF THE PROCUREMENT OMBUD

FOLLOW-UP REPORT TO THE 2020-2021
PROCUREMENT PRACTICE REVIEW OF
IMMIGRATION, REFUGEES AND
CITIZENSHIP CANADA

MARCH 2025



Government
of Canada

Gouvernement
du Canada

Canada

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Introduction

1. In accordance with paragraph 22.1(3)(a) of the *Department of Public Works and Government Services Act*, the Procurement Ombud has the authority to review the procurement practices of departments to assess their fairness, openness and transparency and to make any appropriate recommendations to the relevant department for the improvement of those practices. Such reviews, which are performed by the Office of the Procurement Ombud (OPO), are referred to as Procurement Practice Reviews (PPRs).
2. In 2020 – 2021 OPO conducted a PPR entitled “Procurement Practice Review of Immigration, Refugees and Citizenship Canada” (IRCC), which included 3 recommendations to address identified issues. A final report was issued in September 2021 and published on OPO’s website.
3. As a standard practice, OPO follows up on recommendations resulting from PPRs. This is done in order to determine whether the federal departments have implemented their management action plans in response to the Procurement Ombud’s recommendations. This follow-up review includes a summary of results from the initial PPR and OPO’s assessment regarding progress made by IRCC in implementing its 3 recommendations. This report also includes an organizational report card that facilitates comparisons across departments over time.

Results from Initial Procurement Practice Review

4. The objective of the initial PPR of IRCC was to determine whether the Department’s procurement practices pertaining to evaluation criteria and selection plans, solicitation, and evaluation of bids and contract award, supported the principles of fairness, openness and transparency.
5. For the PPR, OPO analyzed IRCC’s procurement practices under 3 Lines of Enquiry (LOE). Below are descriptions of the LOEs, a brief summary of observations for each LOE, and the Procurement Ombud’s 3 recommendations included in the initial PPR report.
LOE 1: Evaluation criteria and selection plans were established in accordance with applicable laws, regulations and policies.
6. For LOE 1, OPO’s initial review found that in several files, mandatory criteria were inadequately defined and were not limited to the essential qualifications. On the positive side, OPO found that point rated criteria in IRCC solicitations were not overly restrictive and were appropriate to the requirements. Additionally, selection methodology was clearly communicated in solicitation documents and reflected the complexity of the requirement.
7. The Procurement Ombud made 1 recommendation to address the issues identified under LOE 1:

Recommendation 1: IRCC should establish a quality control process to ensure mandatory criteria are adequately defined and communicated in a clear, precise and measurable manner, and that mandatory criteria are limited to the essential qualifications necessary to fulfill the requirement.

LOE 2: Solicitation documents and organizational practices during the bid solicitation period were consistent with applicable laws, regulations and policies.

8. For LOE 2, OPO's initial review found that solicitation documentation was complete, however, several opportunities for improvement were noted regarding the design and execution of the solicitation process. Some communications with suppliers lacked transparency and, in 1 instance, disadvantaged unsuccessful bidders from seeking recourse.
9. The Procurement Ombud made 1 recommendation to address the issues identified under LOE 2:

Recommendation 2: IRCC should ensure that the information that is communicated to suppliers both during and after the solicitation process is accurate and that adequate documentation of these communications is retained to facilitate management oversight.

LOE 3: Evaluation of bids and contract award were conducted in accordance with the solicitation.

10. For LOE 3, OPO's initial review found that IRCC has established a standard evaluation process that is well-documented and was applied consistently across almost all of the files reviewed. However, some evaluations were incorrectly conducted.
11. The Procurement Ombud made 1 recommendation to address the issues identified under LOE 3:

Recommendation 3: IRCC should ensure that evaluations adhere strictly to the evaluation criteria and are carried out in accordance with the planned approach.
12. In addition to the findings under each LOE, the initial review also noted that the overall file documentation was exceptionally good, with IRCC maintaining detailed records of all procurements.





Methodology and Management Action Plan Assessment Summary

13. When launching this Follow-up Review in March 2024, OPO asked IRCC to self-assess their progress in implementing the 3 recommendations stemming from the initial 2021 review, using a progress scale provided by OPO. This scale ranged from "No progress" (level 1) to "Full Implementation" (level 5), as outlined in Appendix 1. Furthermore, IRCC was asked to provide OPO with documentation to support their self-assessment. OPO reviewed IRCC's self-assessment and supporting documentation for its overall reasonableness and credibility.
14. Regarding Recommendation 1, IRCC self-assessed separate implementation levels to each action taken, rather than providing a single overall implementation level. These implementation levels included level 5 ("Full Implementation"), level 4 ("Substantial Implementation"), and level 3


- ("Preparation for Implementation"). For Recommendations 2 and 3, IRCC self-assessed the implementation at a level 5 ("Full Implementation").
15. The Follow-up Review showed that IRCC has introduced a series of new and enhanced initiatives to support fairness, openness, and transparency in the procurement process with the purpose of meeting the intent of each recommendation.
 16. IRCC compiled all of the changes adopted in response to OPO's initial PPR report into a procurement notice email sent to all contracting officers to notify them of the updates. Some of the products, processes and initiatives include:
 - a. A new peer review process and checklist document
 - b. An updated Contract Planning and Advance Approval (CPAA) form
 - c. Training and resources on establishing evaluation criteria and conducting debriefings
 - d. A new file management structure and several new templates to facilitate communication with suppliers
 - e. An updated evaluation summary template and a revised evaluation team basic guideline
 - f. Several planned quarterly procurement file reviews to verify compliance with procurement policies, directives and frameworks.
 17. The substantiating documentation provided by IRCC demonstrated structures and processes were fully implemented for recommendation 2 and 3, but not for recommendation 1.
 18. A series of advancements were designed to meet the intent of Recommendation 1. IRCC's descriptions of action plans and the supporting documentation demonstrated some progress has been made; however, some initiatives are still progressing toward full implementation. For this reason, OPO rated IRCC's level of implementation for Recommendation 1 at a of level 4 ("Substantial Implementation").
 19. IRCC should continue to monitor the use of the new CPAA form and track the completion of training programs. This ongoing monitoring will enhance the quality control process by ensuring that mandatory criteria are clearly defined, communicated, and measurable.
 20. IRCC should also continue to conduct the quarterly procurement file review process. Regular reviews are crucial for validating the effectiveness of the adopted actions and ensuring continuous improvement. Additional details of OPO's overall assessment of IRCC's response to each recommendation are included in Appendix 3.



Report Card

21. OPO's follow-up reviews include a report card with a rating that depicts the department's performance taking into consideration the results from the initial review and the actions taken by the department to implement the recommendations under each LOE. The assessment ratings are as follows:

	Satisfactory Plus (four star)
	Satisfactory (three star)
	Partially Satisfactory (two star)
	Unsatisfactory (one star)

22. Note that a “Satisfactory Plus” assessment rating is only possible when the initial review resulted in no recommendations being issued under a particular LOE. As the initial IRCC review contained recommendations under all 3 LOEs, a “Satisfactory Plus” rating was not possible in this Follow-up Review, and the highest possible score IRCC could obtain for each LOE was “Satisfactory.” Assessment definitions and criteria are outlined in Appendix 2.
23. After reviewing progress made toward implementing the action plans for each recommendation, and in consideration of the established assessment ratings, a rating of “Satisfactory” was determined for LOE 1, LOE 2 and LOE 3. Overall, IRCC’s descriptions of actions taken and its supporting documentation demonstrate that reasonable and credible progress has been achieved.

Report Card		
Line of Inquiry (LOE)	Rating	Assessment
1. Evaluation criteria and selection plans were established in accordance with applicable laws, regulations and policies.	Satisfactory 	<ul style="list-style-type: none"> • Recommendation 1 applied to this LOE. • IRCC developed several initiatives including a new procurement peer review process, an updated Contract Planning and Advance Approval (CPAA) form, mandatory procurement training, information sheets on establishing and evaluating mandatory and rated criteria; and several planned quarterly procurement file reviews. • The actions to implement this recommendation are substantially complete. However, the incomplete mandatory training for contracting officers has impacted the rating of IRCC’s progress for this recommendation. In addition, IRCC could further benefit from the continued monitoring of the use of the CPAA form. • Positive observations include the establishment of a pre-and post-solicitation qualify control process, as well as a detailed

		training tracking system for contracting officers.
2. Solicitation documents and organizational practices during the bid solicitation period were consistent with applicable laws, regulations and policies.	Satisfactory 	<ul style="list-style-type: none"> • Recommendation 2 applied to this LOE. • Several new products and initiatives were implemented, including an updated regret letter template, a standard contract file management structure, standard templates for use throughout the solicitation process; and guidance for debriefings. • While the quarterly procurement file reviews to verify the compliance with procurement policies, directives and frameworks have not yet been completed, the current measures are sufficient to support accurate communication with suppliers and proper documentation.
3. Evaluation of bids and contract award were conducted in accordance with the solicitation.	Satisfactory 	<ul style="list-style-type: none"> • Recommendation 3 applied to this LOE. • Several new products and initiatives were implemented, including an updated evaluation summary template and evaluation team guidelines. The peer review process and checklist was also used to ensure that evaluations are conducted in accordance with the bid solicitation and that evaluation summaries are accurate and complete. • These initiatives provide contracting officers with the necessary tools to ensure evaluations adhere strictly to criteria and follow the planned approach.
<p>The overall report card rating is "Satisfactory": The key factors contributing to this rating include:</p> <ul style="list-style-type: none"> • The initial PPR resulted in one or more recommendations under each of the three LOEs, thus precluding a rating higher than "Satisfactory"; • While recommendation 1 achieved a level 4 rather than a level 5, progress is sufficient to achieve a Satisfactory rating. Work remains to be done with respect to tracking the completion of mandatory training courses for all contracting officers. • Recommendation 2 and 3 achieved a level 5 rating, reflecting significant progress in implementing action plans that address the recommendations. • Overall, the action plans have achieved a combination of level 4 and level 5, resulting in a final report card rating of "Satisfactory." 		

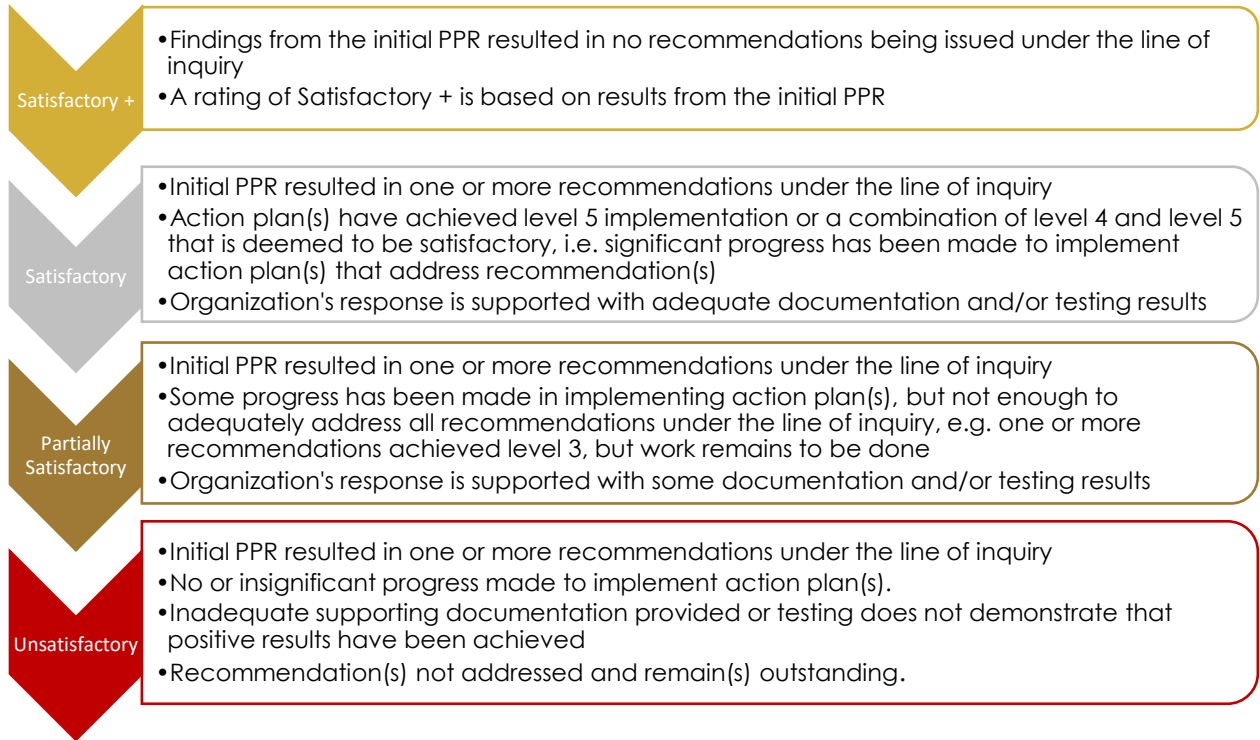
Conclusion

24. IRCC has implemented new initiatives and products that support fairness, openness, and transparency in the procurement process, and to address the recommendations of the Procurement Ombud following the release of the initial IRCC's PPR report in September 2021. The evidence provided showed that IRCC has taken certain measures designed to meet the intent of each of the 3 recommendation stemming from the initial review.
25. Recommendations 2 and 3 have been fully addressed through the implementation of new and updated products, processes and initiatives. Recommendation 1 were assessed at a level 4, meaning substantial progress has been made. A level 5 will be achieved with the ongoing monitoring of the use of the CPAA form and the tracking of mandatory training for contracting officers.
26. This review concluded that IRCC's self-assessment is reasonable and credible. As such, OPO accepts most aspects of IRCC's self-assessment and concludes that the progress noted is a combination of level 4 "substantial implementation" and 5 "full implementation", resulting in an overall report card rating of " Satisfactory."
27. Finally, the Procurement Ombud commends IRCC for its commitment to supporting fairness, openness, and transparency in the procurement process and for the progress noted to date. IRCC's timely responses to OPO's requests and follow-up questions pertaining to this review were appreciated.

Appendix 1: Assessment of Implementation Level

Assessment of Implementation Level	
Level 1	No progress or insignificant progress. Actions such as establishing a new committee, conducting meetings, and generating informal plans have not advanced, or insignificant progress has been made.
Level 2	Planning stage. Formal plans for organizational changes have been created and approved.
Level 3	Preparations for implementation. Preparations for implementing a recommendation are in progress – e.g. hiring or training staff, developing necessary resources, etc.
Level 4	Substantial implementation. Structures and processes are in place and integrated within at least some parts of the organization, and some achieved results have been identified.
Level 5	Full implementation. Structures and processes are fully implemented and operating as intended and results have been identified.
Obsolete	Recommendation is no longer applicable due to new policies, procedures, etc.

Appendix 2: Overall Performance Assessment Scale



Appendix 3: Assessment Summary of Recommendations

OPO Detailed Assessment Summary of Recommendations		
Recommendation 1: IRCC should establish a quality control process to ensure mandatory criteria are adequately defined and communicated in a clear, precise and measurable manner, and that mandatory criteria are limited to the essential qualifications necessary to fulfill the requirement.		
Action Plan	OPO Assessment	Level
<p>IRCC agrees with the recommendation and will update its solicitation procedures to reinforce its quality control process by transitioning current review best practices into a mandatory contracting officer peer review of solicitation documents. Among other aspects, this peer review will seek to ensure that mandatory criteria are adequately defined and clearly communicated, and that these criteria are limited to the essential qualifications necessary to fulfill the requirement.</p>	<p>IRCC has:</p> <ul style="list-style-type: none"> - Developed a new procurement peer review process and checklist document that reviews both the bid solicitation and evaluation documents. Contracting officers must complete the peer review as a mandatory procedure for high risk or complex procurements. Regarding mandatory criteria, the checklist looked at whether the criteria are limited to the essential qualifications necessary to fulfill the requirement for competitive contracts. - Updated the Contract Planning and Advance Approval (CPAA) form with new sections on bid evaluation criteria and peer review to help ensure that mandatory criteria are adequately defined and communicated in a clear, precise and measurable manner. - Planned quarterly procurement file reviews to be conducted by the Procurement Compliance and Monitoring team. These reviews are meant to identify any non-compliance or deviation from procurement policies, directives and frameworks. The review checklist (for contracts above \$10K) examines whether the CPAA form is properly completed and contains the necessary signatures. - Required contracting officers to complete two mandatory 	4

	<p>procurement training courses – COR 401 and COR 402. COR 401 is the prerequisite of COR 402, and COR402 covers the topics such as “soliciting competitive bids” and “reviewing evaluation and contractor selection methods”. According to IRCC, the completion rate of the COR402 training is 48%.</p> <p>- Made information sheets available to contracting officers on how to establish and evaluate both mandatory and rated requirements.</p> <p>IRCC has introduced a series of new products to address Recommendation 1, and is continuing to advance programs that could fully address all aspects of the recommendation, including the completion of procurement officer training courses and the recently implemented CPAA form. Continuing to advance these ongoing programs will further strengthen quality control over mandatory criteria.</p> <p>Two good practices to note:</p> <p>- A quality control process is required for both before and after the solicitation process. The ongoing implementation of these processes could serve as a proper management and oversight tool of IRCC's procurement practice.</p> <p>- IRCC's procurement team maintains a detailed training tracking system using an Excel spreadsheet. Contracting officers also have additional procurement-related training courses added to their training list, offered by the Canada School of Public Service(CSPS). These courses cover topics such as green procurement,</p>	
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	Indigenous considerations in procurement, developing Statements of Work and evaluation criteria.	
Recommendation 2: IRCC should ensure that the information that is communicated to suppliers both during and after the solicitation process is accurate and that adequate documentation of these communications is retained to facilitate management oversight.		
Action Plan	OPO Assessment	Level
<p>IRCC agrees with the recommendation and will update its solicitation procedures with communications standard templates and protocol for contracting officers. They will notably ensure the information that is communicated to suppliers both during and after the solicitation process is accurate, and that adequate documentation of these communications is retained. IRCC will also develop a protocol for contracting officers to record on file relevant events such as meetings and phone calls throughout the life-cycle of the contract. Once developed, contracting officers will be trained on new protocol.</p>	<p>IRCC has:</p> <ul style="list-style-type: none"> - Updated regret letter templates in both official languages. The new templates included OPO and Canadian International Trade Tribunal (CITT) contact information and the contents are subject to peer review using the peer review checklist for accuracy, ensuring consistent communication with unsuccessful bidders. - Developed a new contract file management structure that provides instructions on documenting procurement files, and requires the documentation of questions and answers (Q&A), addendum to the solicitations for every contract. The quarterly file review checklist for contracts above \$10K will monitor the compliance of the file structure, results are not yet available. - Introduced several new templates to use at the solicitation phase, which included a new questions and answers template, a new addendum to the bid solicitation template and a new supplier call log template to improve the accuracy and consistency of information shared during solicitation process. - Provided a guidance document to contracting officers on debriefing unsuccessful bidders. 	5

	<p>- Shared detailed instructions with contracting officers on the use of regret letters, debriefings sessions and documentation requirements for debriefing the unsuccessful bidders.</p> <p>The above initiatives and updates meet the intent of recommendation 2, which is to support the accuracy of information shared with suppliers both before and after the solicitation, as well as to ensure proper documentation of communication to facilitate management oversight.</p>	
<p>Recommendation 3: IRCC should ensure that evaluations adhere strictly to the evaluation criteria and are carried out in accordance with the planned approach.</p>		
<p>Action Plan</p>	<p>OPO Assessment</p>	<p>Level</p>
<p>IRCC will update its bid evaluation procedures to include roles and responsibilities for Contracting Officer's during bid evaluations and consensus including a dispute resolution/escalation process to management and the Procurement and Contracting Oversight Committee. This will aim to ensure that evaluations always adhere strictly to the evaluation criteria and are carried out in accordance with the planned approach. Once developed, contracting officers will be trained on new procedures.</p>	<p>IRCC has:</p> <ul style="list-style-type: none"> - Created an Evaluation Summary template to assist the bid evaluation process. - Updated the Evaluation Summary template to incorporate additional requirements to enhance compliance with the evaluation criteria being carried out with the planned approach, ensuring that evaluations strictly follow the criteria and include proper documentation and details. - Revised the Evaluation Team Basic Guidelines by adding an evaluation dispute escalation process and a table outlining the roles and responsibilities of various stakeholders in a procurement process. - Provided several examples of how contracting officers have used the Evaluation Summaries to conduct bid evaluations. According to IRCC, the procurement team reported 	<p>5</p>

	<p>that business owners now have a better understanding of their roles in the bid evaluation process. They also continue to refer to the Evaluation Team Basic Guidelines for guidance and reference as needed.</p> <p>- Included a peer review checklist, as mentioned in recommendation 1, to require the reviewer to validate whether the results of the evaluation was conducted in accordance with bid solicitation, and that the evaluation summary is accurate and complete.</p> <p>Altogether, the tools have equipped contracting officers with adequate guidance and resources to ensure evaluations adhere strictly to evaluation criteria and are carried out based on the planned approach.</p>	
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