

From: Conner, Daryl HLTH:EX
To: s.22
Subject: Contract Management, Vendor Complaint Review Process
Date: Thursday, April 21, 2016 11:41:36 AM
Attachments: Vendor Complaint Attachment - s.22 docx

1051771

s.22

s.22

Dear s.22

The Ministry of Health (the Ministry) has concluded its review of RFPHL255 in response to a complaint submitted by you on March 16, 2016. The Ministry has reviewed the documents involved in this process and compared them to the obligations required under government procurement policies and procedures.

The Ministry has determined that there has not been a breach of policy or procedure, nor any unfair treatment therefore no further action will be taken regarding your complaint. The reasons for this decision are laid out in the attached table.

This concludes the Ministry review of this issue. Should you wish to pursue this matter further, the final step of the Complaint process is in writing to the Chief Procurement Officer, Procurement Governance Office. For additional details please visit the following website: <http://www.fin.gov.bc.ca/ocg/pgo/VCRP.htm#MinVCRP>

I appreciate the opportunity to respond.

Yours truly,
Daryl

Daryl Conner, CPA, CMA
Executive Director & Chief Financial Officer
Finance and Decision Support Branch
Ministry of Health
250-952-1914

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-----Original Message-----

From: s.22
Sent: Wednesday, March 16, 2016 2:43 PM
To: HLTH Contract Management HLTH:EX
Subject: Contract Management, Vendor Complaint Review Process

In light of recent privacy breach notifications resulting from the release of the unaudited Office of the Comptroller General's investigative report, I understand as a potential vendor I am obligated to inform the Ministry of Health of any real or perceived conflicts of interest related to contract management practices.

I have reason to believe a currently open Request for Proposals (RFP) on the BC bid website (RFPHL255 - Chronic

Disease Surveillance) is not an open and fair competition, and has been awarded inappropriately by individuals who were in a conflict of interest situation, for the following reasons:

- 1) The government contact person for this RFP has a personal relationship/friendship outside of the workplace with the current incumbents, who are expected to reapply for this RFP.
- 2) The RFP requires experience (preferred) working with the Canadian Chronic Disease Surveillance System using BC data. Only the current incumbents could possibly have this experience.
- 3) The RFP scoring is abnormally weighted heavily on the 'approach' section - a subjective section that could be used to tilt scoring to a favoured proponent.
- 4) A director in the Ministry of Health has openly referred to this RFP as "s.22 contract" while the RFP process is still open.
- 5) The same core group has been awarded this work, albeit under different corporate identities, for the past decade or longer.

I would like to see the following steps taken to resolve the actual and perceived conflicts of interest shrouding this RFP:

- 1) The RFP should be cancelled, and re-posted with a skills and experience requirements section that is not tilted in favour of the current incumbent.
- 2) The RFP should be scored by an independent panel who are 'blind' to the identity of the proponents.
- 3) Consider hiring more than 1 proponent for the work (i.e. the current incumbents should be limited to 50% of the work).
- 4) A requirement of the RFP should involve transitioning the work to employee resources; Multi-year operational projects are not meant to be handled by consultants.
- 5) Managers and Directors should receive education on appropriate communications around the open and competitive nature of government procurement processes.

Sincerely,

s.22

From: [McGuire, Janet W HLTH:EX](#)
To: s.22
Subject: RE: inappropriate procurement practices
Date: Monday, April 11, 2016 1:52:00 PM

Hello s.22

This is to acknowledge your email and let you know we are still investigating your concerns. We will provide a written response within the required time of 30 business days under Step 2 of the Ministry of Health [Vendor Complaint Review Process](#). Thank you.

Janet McGuire

Contract Specialist, Contract Management

Ministry of Health

2 - 1515 Blanshard Street, Victoria BC, V8W 3C8

Tel: (250) 952-2030 Fax: (250) 952-2090

Email: janet.mcguire@gov.bc.ca

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From: s.22

Sent: Friday, April 8, 2016 8:24 AM

To: HLTH Contract Management HLTH:EX

Subject: Re: inappropriate procurement practices

Dear Janet McGuire,

I have not heard back from you regarding my email on March 16, 2016 regarding potential inappropriate procurement practices related to RFP HL255 - Chronic Disease Surveillance.

I have a few questions:

- 1) Has there been an investigation into the alleged inappropriate procurement practices?
- 2) What is the status of the investigation? Will a report be issued?
- 3) What is the status of RFP HL-255? Will it be re-issued with criteria that is not tilted in favour of the current incumbents?

Best,

s.22

On 16/03/2016 3:38 PM, HLTH Contract Management HLTH:EX wrote:

Hello s.22

This is to acknowledge your email and let you know we will look into your concerns and get back to you as soon as we can. Thank you.

Janet McGuire

Contract Specialist, Contract Management

Ministry of Health

2 - 1515 Blanshard Street, Victoria BC, V8W 3C8

Tel: (250) 952-2030 Fax: (250) 952-2090

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s.22

Vendor Complaint: Ministry of Health

Complaint	Reason for Dismissal
The government contact person for this RFP has a personal relationship/friendship outside of the workplace with the current incumbents, who are expected to reapply for this RFP.	Ministry of Health has confirmed that the government contact person for this RFP does not have a personal relationship/friendship outside of the workplace with the current incumbent. The contact person is also aware of and in compliance with the Conflict of Interest section on page 2 of the Standards of Conduct for Public Services Employees Engaged in Government Procurement Processes.
The RFP requires experience (preferred) working with the Canadian Chronic Disease Surveillance System using BC data. Only the current incumbents could possibly have this experience.	Ministry of Health has reviewed the RFP and found the following criteria where “preferred” was referenced: <ul style="list-style-type: none"> • A minimum of four (4) years (preferred) analytical experience with health registry data. • A minimum of two (2) years (preferred) experience with chronic disease surveillance. • A minimum of one (1) year (preferred) of experience working with the Canadian Community Health Survey. Ministry of Health has determined that the criteria is broad enough to solicit multiple respondents.
The RFP scoring is abnormally weighted heavily on the 'approach' section - a subjective section that could be used to tilt scoring to a favoured proponent.	Ministry of Health commonly uses this type of weighting in RFPs (40% Approach and Methodology; 40% Skills, Knowledge and Experience; 20% Price). Ministry of Health is open to proponents offering a different approach.
A director in the Ministry of Health has openly referred to this RFP as “ ^{s.22} contract” while the RFP process is still open.	Ministry of Health has determined that this is hearsay and therefore cannot verify if it is true or not.
The same core group has been awarded this work, albeit under different corporate identities, for the past decade or longer.	Ministry of Health can confirm that these services have been tendered and fair evaluations have been conducted with each new contract issued.