

[Text]

Mr. Mackay: You asked for my opinion, and I am quite open; I think the plateau should be higher.

Mr. Clarke: But that is not a reason for you to disregard your instructions and do what you want when that is not . . .

Mr. Mackay: I am not suggesting that at all. I am suggesting . . .

Mr. Anguish: Could we take one particular case here, the contract that the Auditor General lists that was over the \$100,000 threshold, the higher one for \$1.480 million? What is the basis on which you felt, in that particular case, that you had to break the \$100,000 threshold and not put it out to competition? Was it another case of urgency, or what were the circumstances that you felt compelled to go ahead and award this contract without tender?

Mr. Mackay: You have to put that into context, because we had been taking that approach for many years. I do not think you can single out any one contract and say: Well, what forced you to proceed on a non-tender basis for that particular contract? Over the years we have done it that way in the past. The only objection we had when we were instructed by Treasury Board to proceed through a tender call process was the plateau level itself. I do not think you can zero in on any one particular contract.

Mr. Anguish: I want just to have one for an example so we could maybe deal with it and get a better perspective of where the department is coming from. But you are now telling us that this has been standard practice for many years to go ahead and ignore the regulations of Treasury Board for the threshold they have been setting.

Mr. Mackay: The threshold was put into effect in, I think, 1979, was it?

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Mr. Anguish: Before that, what happened?

Mr. Mackay: 1979 was the date they introduced the threshold level for competitive tendering for the consultants.

Mr. Anguish: Before that, it was totally discretionary whether you tendered or not within the department?

Mr. Mackay: That is correct.

Mr. A.D. Wilson: If I may say a word on it, Mr. Chairman, this is a change in methodology and technique. These are 14 contracts out of about a number somewhere between perhaps 250 and 300, and some of these 14 may have been caught in the change-over period.

Again, I guess Dr. Meyboom can corroborate or otherwise, but my recollection is that there were a number of contracts under negotiation with a series of architects over a period of time during this period, and some of these 14 were continuations of the earlier agreement. Rather than breaking off negotiations with particular firms that had been under way for some time, rather than going back and abandoning that line, we sought the authority of the board to continue without tender to use these same nominated consultants. Some of the 14, at least, would be in that category. I cannot say how many

[Translation]

M. Mackay: Vous m'avez demandé mon avis et je vous dis qu'à mon avis, ce plafond devrait être plus élevé.

M. Clarke: Mais ce n'est pas une raison pour enfreindre les règlements.

M. Mackay: Ce n'est pas ce que j'ai dit.

M. Anguish: Prenons l'affaire de 1,480,000 dollars citée par le vérificateur général. Pour quelles raisons avez-vous décidé de passer outre au plafond de 100,000\$ en ne lançant pas d'appels d'offres?

M. Mackay: On ne veut pas citer un cas particulier. C'est quelque chose que nous faisons depuis des années. En principe, nous n'avons rien contre le système d'adjudication mais nous estimons que le plafond fixé par le Conseil du Trésor était trop bas.

M. Anguish: Vous voulez dire que pendant des années, vous n'avez pas tenu compte du plafond fixé par le Conseil du Trésor?

M. Mackay: Le plafond avait été fixé en 1979, je crois.

M. Anguish: Que faisiez-vous avant?

M. Mackay: C'est en 1979 qu'un plafond a été fixé pour les travaux de consultants devant faire l'objet d'une adjudication.

M. Anguish: Avant cette date c'est vous qui décidiez s'il convenait ou non de faire une adjudication.

M. Mackay: En effet.

M. A.D. Wilson: Il ne faut pas oublier qu'il s'agit de 14 affaires sur 250 ou 300. Ces 14 affaires intervenant justement au moment où il avait été décidé de changer de méthode.

En outre certains de ces 14 marchés avaient déjà fait l'objet de négociations avec plusieurs firmes d'architectes avant l'adoption du nouveau plafond. Or plutôt que d'interrompre les négociations avec ces firmes et lancer des appels d'offres, nous avons demandé l'autorisation du Conseil du Trésor de continuer à traiter avec ces firmes sans adjudication. Il y avait certainement plusieurs cas de ce genre parmi les 14 signalés par le Vérificateur général.