

[Texte]

of them; but as I recall the situations, there would be some of that nature.

Mr. Anguish: There seems to be a real disregard for the Treasury Board regulations. In going along the line of the argument or rationale you are presenting, it is in fact true that the Department of Public Works awarded some six contracts above \$500,000 without competition, before the negotiations with Treasury Board to increase the limit even to \$100,000 had been completed. So at any period of time, maybe there was some overlap in terms of the timing; but it has been a practice even continuing for several years, and I hope we have your assurance that it will not happen any longer.

I would like to ask a question of the representative from the Treasury Board, Dr. Meyboom. We have heard that the threshold for the Minister is also the \$100,000. It does not only apply to the department; it applies to him, from what I understand. Now, in fact, can the Minister, as he has done in the past, go into negotiations and contracts with consulting firms which are over that \$100,000 threshold? Is there no come-back on the Cabinet Minister? Is there no come-back on the department through that Cabinet Minister when you go ahead and just flagrantly disregard the guidelines Treasury Board has set?

Dr. Meyboom: The Minister has no authority to enter into a contract over \$100,000 for architects and engineers, period. I think it is very important to distinguish between commitment authority of a Minister, and in the requirements of the government contract regulations, which insist that there shall be competition.

I would like to talk a little bit about this competition, if I may, Mr. Chairman. It is easy to depict this situation in black and white, but it is not really that black and white. The Treasury Board policy with respect to the selection of architects and engineers was developed in 1978 in consultation with the Association of Consulting Engineers of Canada and the Royal Architectural Institute of Canada, so they were both involved in the development of this policy.

The trade-off is as follows. On the one hand, there is the imposition on the industry that Mr. Mackay is talking about, and it is true that preparation of proposals costs money. You asked earlier how much. A rule of thumb has been \$100 or \$150 a page, to give you an idea of what it costs companies. But at the same time, it is important with respect to government business, and it is a policy of the Treasury Board and of the Government of Canada, that companies shall have as equitable as possible access to government business. That is a very important principle. So on the one hand, you do not want to impose on a large number of companies requests for relatively small proposals, because only one will get it and they will all go to the expense of making the proposals. So one wants to minimize that a little bit. At the same time, one wants to get as much equitable access as possible.

So the skill is in designing what we call short proposal lists and only involving those people who are on the short proposal lists. The theories on this matter differ. Some people say three is enough; others say six is enough. The consulting engineers, when they speak as an association, always say around three.

[Traduction]

M. Anguish: Ce qui est certain, c'est que vous n'avez pas tenu compte des règlements du Conseil du Trésor. Et que six marchés, pour des montants dépassant un demi-million de dollars, ont été accordés sans adjudication avant même qu'il ait été convenu de porter le plafond à 100,000\$. Cela fait donc des années que vous procédez de la sorte et j'espère que cela n'arrivera plus à l'avenir.

Je voudrais maintenant poser une question à M. Meyboom. Il paraît que le ministre est lui aussi autorisé à engager des dépenses sans autorisation pour des montants ne dépassant pas 100,000\$. Mais le ministre est-il autorisé à passer des commandes à des firmes de consultants pour des montants de plus de 100,000\$ comme il l'a fait par le passé? Aucune sanction n'est-elle prévue lorsque les directives du Conseil du Trésor ne sont pas respectées?

M. Meyboom: Le ministre n'est pas autorisé à passer commande à des architectes ou des ingénieurs pour des montants dépassant 100,000\$. Il faut en effet distinguer entre le pouvoir du ministre à engager des fonds et les règlements exigeant que les marchés soient attribués par adjudication.

Parlant des adjudications, on a trop tendance à simplifier alors que les choses ne sont jamais aussi simples. C'est en 1978, après consultation avec l'Association canadienne des ingénieurs-conseils et l'Institut royal des architectes du Canada, que des directives ont été arrêtées régissant le choix des architectes et ingénieurs qui auraient à travailler pour l'État.

D'une part je vous rappelle que la rédaction d'une soumission coûte de l'argent, grosso modo 100 à 150\$ par page. Mais d'autre part le Conseil du Trésor et le gouvernement en général tiennent à ce que toutes les entreprises aient l'occasion de soumissionner les travaux de l'État. Il s'agit là d'un principe fort important. Donc nous cherchons d'une part à réduire le nombre de soumissions pour des marchés de faibles montants afin d'éviter les frais mais d'autre part il faut donner leur chance à tous.

C'est ainsi que nous établissons des listes abrégées de fournisseurs possibles invités à soumissionner. Certains estiment que trois fournisseurs suffisent d'autres préfèrent six. Pour ce qui est des ingénieurs-conseils, lorsqu'ils s'expriment en tant qu'association, ils disent toujours environ trois, mais