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October 4, 2011

Cindy Elbahir
Manager, Central Agency Team
Information Access Operations
Ministry of Labour, Citizens' Services and Open Government
PO Box 9569 Stn Prov Govt
Victoria, BC V8W 9K1

Dear Ms. Elbahir,

**Re: Your file reference 292-30/CTZ-2011-00054
Request for fee waiver**

Thank you for your letter dated September 6, 2011 in reply to my request for records under the *Freedom of Information and Protection of Privacy Act*.

I submitted my request in early August for the names of consultants on 3 Lists of Qualified Suppliers who had been awarded contracts between December 1, 2010 and July 31, 2011. I would like to hereby amend my request to include the period December 1, 2010 through September 30, 2011.

Your letter of September 6th quoted a fee estimate of \$495. I request a fee waiver on the ground that the records relate to a matter of public interest.

1. The public has an interest in knowing how the government is allocating its financial resources.
2. The public, and particularly the private sector, has an interest in ascertaining that the government's vendor selection processes are transparent, impartial and fair.
3. A few years ago, contracting of consultants was relatively transparent. Consulting opportunities were posted on the BC Bid web site, the evaluation criteria were stated, and any consultant or consulting firm had a fair chance to compete. At the end of the selection process, all proponents normally received a letter providing the name of the successful proponent. This process sets a precedent for what constitutes transparency in vendor selection. The public has an interest in seeing a return to that standard of transparency and fair process.

4. The selection process for consultants under the Lists of Qualified Suppliers is not transparent and is therefore open to abuse:
 - Consultants and companies do not know when contracting opportunities exist unless they are “insiders” who have personal relationships with public servants who are looking for consultants.
 - The number of listed consultants considered for a contracting opportunity and the evaluation criteria are not published anywhere. There does not appear to be any oversight that would ensure administrative fairness and impartiality.
 - The names of selected consultants are not published anywhere. Selection and contracting occur “behind closed doors”. There is no channel for consultants to submit requests for review if their qualifications were not considered or if the selection process was unfair.

The public has an interest in mitigating the risk of abuse. Timely disclosure of the names of selected consultants would be a start. Since the government does not disclose this information as part of its routine process, the information should be provided to members of the public upon request at no charge.

5. The private sector has an interest in seeing that contracts are being awarded among a wide group of consultants and consulting firms. We need to have confidence in the selection process and to know that our preparation of proposals for the Lists of Qualified Suppliers is worth the significant effort involved.

The Premier’s Open Information initiative described at www.openinfo.gov.bc.ca says “In an effort to become more open and transparent, the government is proactively working to provide citizens with access to the information that matters most to them – no closed doors or hidden agendas.”. Charging fees for information that should be proactively and routinely disclosed by government is an obstacle to transparency and works against the Premier’s commitment.

The question of who is getting government contracts is a frequent topic of discussion among government suppliers during this economic recession. That is why I personally promote transparency and publish information about it on my blog at www.pstewart.com.

Thank you for your consideration.

Yours truly,



Pamela Stewart