



Government-Wide Integrity Regime Information Bulletin: Public Interest Exceptions

Effective date

This information bulletin is effective April 4, 2016.

Context

The [Ineligibility and Suspension Policy](#) enables Public Works and Government Services Canada (PWGSC) to issue information bulletins associated with the Policy to provide greater clarity for informational purposes only.

Nature of Exceptions

Circumstances sometimes arise wherein a Contracting Authority may enter into a contract or real property agreement with a supplier deemed ineligible under the *Ineligibility and Suspension Policy* in the public interest. This is called a Public Interest Exception (PIE). Possible circumstances necessary to the public interest could include, but are not limited to:

- **An emergency**
Example: Need for procuring goods, services or space accommodation is pressing and any delay would be injurious to the public interests, such as in the event of a natural disaster.
- **No other supplier is capable of performing the contract or providing the real property agreement**

Example: Patent or copyright requirements or technical compatibility factors and technological expertise suggest that only a debarred supplier could undertake the work.

- **Emergency stocks**
Example: The contract is essential to maintain sufficient emergency stocks in order to safeguard against possible shortages.
- **Health, National Security, Safety, Public Security or Economic or Financial well-being**
Example: Not entering into a contract or real property agreement with supplier would have a significant adverse impact on the people of Canada or the functioning of any portion of the federal public administration.

Invoking a PIE

Under the Integrity Regime, individual Contracting Authorities are responsible for determining if invoking a PIE is necessary based on their expertise and knowledge of the realm of procurement or real property in question.

Steps in the process are as follows:

- 1) The Contracting Authority must notify the [Director General \(DG\) of the Integrity Framework Team/Forensic Accounting](#)

[Management Group](#) at PWGSC of its intention to invoke a PIE.

- 2) The Contracting Authority must provide the DG with PIE endorsement documentation that includes the following information:
- Client Department;
 - Total estimated value;
 - Anticipated award and delivery date;
 - Proposed supplier;
 - File or transaction number and name;
 - Issue;
 - Type of PIE being requested; and
 - Rationale for the PIE.

As the central administrator of the Integrity Regime, PWGSC will retain all documentation for record keeping purposes and to identify any trends related to PIEs.

- 3) If time is not of the essence (e.g. not an emergency or unforeseen urgency), the supplier must enter into an Administrative Agreement with PWGSC prior to being awarded a contract or real property agreement under a PIE. Administrative Agreements stipulate corrective actions and measures that are to be undertaken by the supplier and are reported on by a Government of Canada recognized third party. Failure of the supplier to meet the terms of an Agreement would result in a lengthened ineligibility period.

Note: An Administrative Agreement concluded under a PIE may not amend or abridge the period of ineligibility or suspension that is otherwise applicable to that supplier for past conduct and on any other solicitation.

Note: If the Contracting Authority determines that time is of the essence (e.g.

an emergency, unforeseen urgency), they may award the contract or real property agreement without a PIE in place, but must notify PWGSC immediately.

- 4) A confirmation that the supplier has entered into an Administrative Agreement with PWGSC, where applicable, must be obtained by the contracting authority and referenced in the resulting contract.
- 5) The contracting authority awards the contract or real property agreement to the supplier.
- 6) PWGSC may report on the use of PIEs on a periodic basis to the responsible Minister.

How to contact us

If you have questions, please contact the Integrity Regime Team:

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