

TIMOTHY CULLEN DISCUSSES PENDING REVISIONS TO PSPC'S INELIGIBILITY AND SUSPENSION POLICY FOR THE GLOBE AND MAIL

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The Trudeau government is considering changes to ethical procurement rules that stipulate how long a company can be banned from bidding on federal contracts, a revision of policy that one expert says could offer Montreal based SNC-Lavalin another means of coping with the fraud and corruption charges it faces.

SNC-Lavalin, the Quebec engineering giant at the centre of the Wilson-Raybould affair, faces the charges stemming from an RCMP investigation into its business dealings in Libya. If convicted, it could be banned from bidding on federal contracts for 10 years.

Public Services and Procurement Canada is proposing granting itself more flexibility in deciding how long a company is banned from bidding when convicted of offences that run afoul of the federal Integrity Regime. SNC has been seeking a negotiated settlement in which a company admits wrongdoing and pays a fine, but avoids a trial. Last September, however, the federal director of public prosecutions rejected the request and informed the firm the prosecution would continue.

Timothy Cullen, an Ottawa-based lawyer at McMillan, told the Globe and Mail, the revised policy could be applied to SNC-Lavalin if it is convicted on the charges it faces.

"Under the new policy, whenever it takes effect ... yes, it is quite possible that under the new policy they could receive lesser or no suspension," he said, adding it's not yet known how the department will wield this policy.

Mr. Cullen said the department would also take into account the conduct of SNC-Lavalin since the charges were laid and its co-operation with authorities and other factors.

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