



GUIDANCE DOCUMENT

PROCUREMENT

April 22, 2020

PURPOSE OF THIS GUIDANCE DOCUMENT

This guidance document explains the difference between marketing to government and lobbying of public office holders.

If a lobbyist is strictly following an established contract procurement or sales process, such as submitting a bid in response to a request for proposals (RFP), they are not lobbying. However, if a lobbyist contacts a public office holder outside of an established procurement process, that activity might be lobbying and registration may be required.

Please refer to the information below for additional clarification.

BACKGROUND

The definition of “lobby” in the *Lobbyists Transparency Act* includes attempts to influence matters related to government contracts for goods and services.

Lobbyists must register their activities as soon as the line is crossed between marketing and lobbying, or where the lobbyist is doing both marketing and lobbying.

TIMELINE TO REGISTER LOBBYING ACTIVITIES

For consultant lobbyists, if the activities “cross the line” into lobbying, a consultant lobbyist has 10 days to register those activities with the Lobbyists Registry.



For in-house lobbyists for an organization, if the activities “cross the line” into lobbying, the designated filer for the organization has 10 days to register those activities with the Lobbyists Registry.

If you are not certain, you may wish to email Registry staff at info@bcorl.ca. Provide the relevant details and request further guidance.




GUIDELINES FOR APPLICANTS

LOBBYING?


YES

-  An attempt to influence the contents of an RFP in anticipation of, or prior to a formal procurement process being initiated, or “campaigning” for a product or service or against a competitor, would likely qualify as lobbying.
-  If an organization is engaged in an RFP process and, either before or after the process, hires a consultant to meet with a decision-maker about the award of the contract, that would be considered outside the established process and the consultant must register the lobbying activity.

NO

-  If an organization goes through an established contract procurement or sales process, such as submitting a bid in response to a request for proposals (RFP), this does not qualify as lobbying.
-  Contacting a public office holder to seek information regarding an established procurement process does not qualify as lobbying. Providing information in response to a request from a public office holder for technical advice, or clarification of a bid, does not qualify as lobbying.
-  If a contract is awarded within direct awards guidelines, communications strictly concerned with the awarding of that contract would likely not fall under the definition of lobbying.

MAYBE

-  If an organization currently provides goods or services on contract to government, the negotiation of changes to that contract based on the contract terms would likely not be considered lobbying. However, if the scope of the changes is substantial enough that the contract is fundamentally altered, the related communications may qualify as lobbying.

This document is for information purposes only and does not constitute a decision or finding by the Registrar of Lobbyists for British Columbia or his or her delegates. This guidance does not affect the powers, duties or functions of the Registrar of Lobbyists, or his or her delegates, regarding any investigation or other matter under the Lobbyists Transparency Act, respecting which the Registrar and his or her delegates will keep an open mind. Responsibility for compliance with the Lobbyists Transparency Act remains with each client, lobbyist, and public office holder.