

Use of experts in the Federal Administration: brief evaluation as part of a follow-up investigation

Summary of the report by the Parliamentary Control of the Administration for the Council of States Control Committee

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Summary

The use of external experts in the Federal Administration has been more clearly regulated and has become more transparent in recent years. The statistical analyses applied in procurement controlling are generally appropriate; however, there are shortcomings in the in-depth monitoring process. The expert mandates are not recorded uniformly and the controlling reports do not provide sufficient meaningful information.

On the basis of an evaluation by the Parliamentary Control of the Administration (PCA) on the use of external experts in the Federal Administration conducted in 2006, the Council of States Control Committee (CC-S) noted a number of shortcomings in the awarding, transparency and regulation of expert mandates by the Federal Administration. It consequently made a series of recommendations to the Federal Council. Although the CC-S, in its follow-up investigations, observed that improvements had been made, a number of issues still remained. In October 2018 it therefore requested the PCA to conduct a brief evaluation as part of its follow-up investigation to establish whether or not its recommendations had been implemented.

At its meetings on 28 August 2019 and 11 November 2019 the responsible CC-S subcommittee (FDJP/FCh) decided on the focus of this brief evaluation. The PCA was asked to look at the implementation of five of the CC-S's six recommendations, conducting statistical analyses using data from the Federal Administration's contract management. Its main findings are presented below.

Internal analysis suggests end-of-year spending rush does not exist, but generalisations hard to make

The end-of-year spending rush ('December fever') is the phenomenon in the Federal Administration involving an increase in procurement towards the end of the year in order to use up the available budget. The analyses of this spending rush conducted throughout the Federal Administration were appropriate, but they focused on one year only (2017), not being repeated in subsequent years. Moreover, few administrative units (offices) were selected on the basis of specific criteria and analysed in detail. The findings do not therefore lend themselves to the making of generalisations. Furthermore, rather superficial information emerges from the detailed analyses of the risks identified in the administrative units. Despite the Federal Administration's affirmations, therefore, it may well be that there is indeed an end-of-year spending rush in some.

Appropriate statistical analysis of favoured companies but shortcomings in detailed analysis and reporting

As part of its procurement controlling, the Federal Administration conducts appropriate analyses into whether some companies are repeatedly favoured in its procurement process. However, its statistical analyses focus on large-scale risks. The administrative units concerned are themselves responsible for conducting a closer analysis of any irregularities established, meaning the approach is not uniform and sometimes unsatisfactory. There is no meaningful reporting on follow-up contracts.

Expert mandates cannot always be clearly assigned, no uniform approach and limitations on controlling

In 2016, on the recommendation of the CC-S, the Administration introduced detailed sub-categories in its procurement controlling which allowed external service contracts to be more precisely recorded. This greatly reduced the number of procurements that could not be clearly assigned to a procurement category, which had been one of the CC-S's criticisms. However, it is still difficult to differentiate between procurement categories for service contracts in general and policy-oriented expert mandates in particular. The administrative units do not uniformly categorise the individual expert mandates. It is therefore difficult to compare data or to conduct meaningful controlling.

No reliable information on policy-oriented expert mandates, trends therefore unclear

The controlling reports suggest that the Federal Administration has not as yet closely analysed policy consulting mandates, although the Federal Council considered this following the recommendation by the CC-S. The inconsiderable number of declared mandates on 'policy-oriented consulting' suggests that this procurement category is largely avoided in the Administration and so any data is unreliable. The PCA combined all the procurement categories pertaining to policy-oriented expert mandates and discovered that some mandates that have very little to do with policy consulting are also counted, e.g. research contracts. It is therefore not possible on the basis of the available data to reliably assess whether there has been a decline in policy consulting mandates, as called for by the CC-S.

Shortcomings illustrate general weakness in procurement controlling

The shortcomings in the recording of expert mandates identified in the PCA's analyses illustrate a general weakness: the Administration's procurement controlling instruments have only been standardised to a limited extent. A further weakness concerns the division of competencies: although the Procurement Controlling Unit at the Federal Office for Buildings and Logistics (FOBL) conducts generally appropriate statistical analyses using the procurement controlling instruments, the departments only apply its findings to a very limited extent, even though they are responsible for their own procurement controlling. In their intermediary role, the FOBL's Procurement Controlling Unit and the Federal Finance Administration do not have the required competencies, a situation un conducive to uniform and effective procurement controlling.

The full report is available in German, French and Italian (www.parliament.ch).