

Promises, Pitfalls, and Ethics in Multisector Contracting

Summer 2017

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Class Meetings:

Friday, June 30th 2017 5:00pm-9:00pm
Saturday, July 1st 2017 9:00am-5:00pm
Sunday, July 2nd 2017 9:00am-5:00pm

Class Location:

SEM 2 E2109
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Course Description: The issue of public ethics is particularly important when government works with private contractors. The term "public ethics" is often used to suggest acting with compassion and empathy while ensuring thorough analysis and competence as we serve the public interest while seeking justice under the law. When public agencies rely on vendors to carry out their work a focus on ethical behavior is essential. In this course we will examine how contracts between government and various vendors can fail. In addition, we will examine the possibilities for government and their vendors to achieve contracting's true win-win potential. In other words, we will use ethics as a lens to study how public managers materialize the promises while avoiding the pitfalls of multisector contracting in the twenty first century.

In class and seminar discussions, students will engage the public procurement process. Through our use of cases and final presentations students will have an opportunity to participate in contracting simulations. Through these, we will develop RFPs, analyze the proposals, conduct and evaluate formal presentations. In the roles of public managers, students will seek to identify the ways in which the contracting process may be corrupted.

Learning objectives and student competencies:

1. Describe the roles, organization and functions of public procurement and contracting.
2. Explain the steps in the procurement and contracting cycles, and analyze the stakeholder relationships inherent in each of these steps.
3. Be able to understand and evaluate how cultural, social, political, economic, and legal environments impact public contracting.
4. Be able to understand and explain the importance of ethics and professionalism in public service contracting.

Required Readings

Books:

Cohen, Steven & William Eimicke (2008). *The responsible contract manager: protecting the public interest in an outsourced world*. Georgetown University Press.

LeRoux, Kelly (2007). *Service contracting: a local government guide*. 2nd edition. ICMA Press

Savas, E.S. (2000). *Privatization and public-private partnerships*. Chatham House Publishers

Suggested Readings

Brown, M., Potoski, T., and David Van Slyke (2013). *Complex contracting*. Cambridge University Press.

Cooper, Phillip (2002). *Governing by contract: challenges and opportunities for public managers*. Thousand Oaks, CA: CQ Press.

Other Suggested Readings**

**Readings will be posted on the course Canvas site.

Summer 2017 schedule (Faculty may alter schedule and reading assignments)

DATE	TOPIC	READINGS
June 30	Ethics and contracting in democratic settings	Cohen & Eimicke Contract analysis assignment is due
July 1	Contracting in practice	LeRoux RFP assignment is due
July 2	Promises and pitfalls	Savas Presentations

Student Assignments / Basis of Evaluation

1. *Participation and journals* – Students must attend class having completed the readings and prepared to fully participate in class discussions and exercises. Students are expected to fully engage in discussions, presentations, exercises, and learn from them. If you are unable to attend class, please discuss this with the instructor to find a way to make up the work. Students will be required to use and submit daily journals that reflect readings, class discussions, and other course related work. These journal entries are a chance for you to reflect on what we are learning and to comment on professional development throughout the course. Students must turn in their latest journal entries daily, starting at the beginning of our second meeting (second class).

2. *Contract analysis* – Find a contract (you should be able to locate some from online databases). How do public managers specify the contractual obligations? Below are some of the features that public managers may specify when drafting a contract:
 - a. Vendor tasks (the nature and scope of work)
 - b. Outcome measures (performance-based criteria, etc)
 - c. Vendor qualifications (time and materials versus cost plus fee)
 - d. Payment schedules
 - e. Contract duration (short or long term)
 - f. Incentives and sanctions (rewards and punishments)
 - g. Renewal provisions
 - h. Reporting requirements

To complete the assignment, select a contract from a public agency of your choice (can be federal, state, or local). Describe the vendor based on what information is available: type of vendor, capacity, experience, etc. (look up the vendor online). Identify what features have the public managers specified (from the list above). It is possible that not all features are specified (more incomplete contract). Similarly, it is possible that there are additional features that are specified that are not listed above. For example, the use of subcontractors, and other parties in the process. Be prepared to discuss the contract and vendor in class.

3. *Cases* – In class, we will use cases to illustrate the contracting process. The cases will allow students to understand the conditions under which various contracting strategies are employed. The purpose of the cases is to reinforce student understanding of the tools used throughout the contracting process: from RFPs to decisions regarding contract termination and/or renewals.
4. *Request for Proposals Assignment (RFP)* – This assignment requires students to take on the role of public managers and draft a Request for Proposals (RFP). In small teams, students will create an RFP that:
 - a. Provides a clear statement of a project (service)'s purpose.
 - b. Presents a system or process.
 - c. Identifies the perceived need and any other background information that may be appropriate.
 - d. Explains what the contract is intended to accomplish.

Templates, and sample RFPs, will be provided on canvas.

5. *Presentations* – This assignment requires students to take on the role of public managers and other stakeholders, including vendors. Students will demonstrate their ability to perform the skills and abilities acquired in the class. Instructions for the presentations and role assignments will be posted on the course Canvas website.

Course Policies

Format: Unless otherwise noted, all written assignments should be typed, double spaced, 12 point font, and follow APA format and citation style. [APA Style <http://www.apastyle.org/learn/index.aspx> Purdue Writing & Grammar Guide <http://owl.english.purdue.edu/>] All written work will be of high quality, grammatically correct, clear and without spelling errors. Students may request resource writing assistance from faculty and/or the Graduate Writing Assistant.

Participation and attendance: Students are required to attend each class meeting in its entirety. Participation includes focusing on class content, speaking in class and seminar, listening to others, taking

notes, completing class interactive exercises, avoiding distractions, and listening to and dialoging with the guest speakers. If an absence is unavoidable, faculty should be notified prior to a class. After one absence (full day), make-up work may be assigned at faculty discretion on case-by-case. Makeup work must be completed by the deadline assigned to ensure full receipt of course credit. After two absences (two days) students may be denied full credit. Finally, if students do miss a class, they are expected to do the reading for that class meeting and turn in any assignments that were due that class date.

Late assignments: Turning in assignments late is unacceptable. However, if there is an unavoidable need to turn in an assignment late, the student should contact their seminar faculty no later than the original assignment due date to discuss options. Parameters are left to the discretion of the faculty on a situation-by-situation basis. Late assignments must be completed by the revised due date to ensure full receipt of course credit.

Credit: Students will receive four graduate credits at the end of the course if all requirements have been satisfactorily completed. Students will be evaluated based upon their progress towards the learning objectives, assessed from classroom, seminar, and assignment performance. No incompletes will be awarded. Full loss of credit decisions will be made by the faculty. Full loss of credit for two terms of core may result in dismissal from the MPA program. Plagiarism (i.e., using other peoples' work as your own) may result in total loss of credit for the class and may result in dismissal from the MPA program. See the [MPA Handbook](#) and [College statement on academic honesty](#) for more information. Failing to meet course requirements (ex. not completing one or more assignments, completing one or more assignments late, or multiple absences) may constitute denial of total credit at the discretion of the faculty. Students at risk of losing credit will receive written notification prior to the end of the quarter.

Evaluation: A written self-evaluation and faculty evaluation are required each quarter for credit. All final evaluations are to be submitted via my.evergreen.edu. Evaluation conferences may occur in-person or over the phone.

Multiculturalism and diversity: Faculty and students will actively work towards contextually weaving multiculturalism and diversity throughout our learning as related to readings, lectures, seminar, and group projects. In a learning community students and faculty share the responsibility for the teaching and learning environment. Multiculturalism and diversity is to be understood as: aiming to promote constructive community discourse about issues of culture, power, and differences including but not limited to race, ethnicity, color, nationality, sex, gender, gender identity, gender expression, class, sexual orientation, age, religion, (dis)ability, and veteran status.

Technology use and learning styles: We all have different ways of acquiring new knowledge. Therefore, faculty will actively work towards providing information in multiple formats: tactile, auditory, visual, experiential, etc. However, style applications are limited to means appropriate for the classroom environment. (Activities such as surfing the internet, posting on/checking social media, reading unrelated materials such as e-mail, playing with an IPOD, laptop, or cell phone are not appropriate.) Consult your faculty to discuss learning style options.

Reasonable accommodations will be provided for any student who qualifies for them through a working relationship with Access Services. To request academic accommodations due to a disability, please contact the office of Access Services for Students with Disabilities (867-6348 or 6364). If the student is already working with the office of Access Services the faculty should have received a letter clearly indicating the student has a disability that requires academic accommodations. If any student has a

health condition or disability that may require accommodations in order to effectively participate in this class, please do the following: Contact faculty before class and Contact Access Services to receive a letter of accommodation. Information about a disability or health condition will be regarded as confidential. Please refer to TESC's [Students with Disabilities Policy](#).

Conduct and conflict resolution: Discuss any problems involving others in the learning community directly with the individuals involved (so long as the concerned party feels safe doing so). Possessing respect for others is fundamental to an open, free, and educational dialogue. All students are expected to support and contribute to a well-functioning MPA classroom and learning community. Behavior that disrupts the learning community may be grounds for disciplinary action, including dismissal from the MPA program. All students will be held accountable for maintaining the highest of academic standards.

We will abide by the [social contract](#): WAC 174-121-010 College philosophy.

We will abide by the [student conduct code \(including academic integrity and plagiarism\)](#): Chapter 174-123 WAC, Student Conduct Code & Grievance/Appeals Process.

We will abide by the [non-discrimination policies and procedures at TESC](#).

Guest policy: Guests are welcome to visit our learning community during class time and seminar meetings with discretionary approval from course faculty in advance of the requested visit. It is the host student's responsibility to contact the faculty with details about the requested guest visit and await approval. Guests must abide by all social contract conduct code, and nondiscrimination policy guidelines as aforementioned in this syllabus.

Inclement weather: In the event of bad weather or emergencies students should check with for announcements of campus closures. Students can call the main campus line 867-6000 to get the latest news regarding a campus closure or delay. Faculty may decide to cancel a class meeting even if campus is open and we will send an all-class email prior to 3:00 pm the day of class. Students are responsible for checking email and ensuring viable transportation options are available to them.

Communicating: Email and Canvas are our primary means of communication. Students are responsible for checking their Evergreen email and Canvas regularly.