



*Guardian of Public Trust*

June 25, 2021

**BRIEFING NOTE:**

Purpose: Action

TO: Chair and Members of the Commission

FROM: Bonnie Riddell, Policy & Research Analyst

**SUBJECT:** Policy Revisions – EPC Policy 5.5.3 Contracting & Procurement

**BRIEFING INTENT:**

- To propose revisions to EPC's Contracting & Procurement policy that align with the City of Edmonton's financial delegations as set out in their City Administration Bylaw (16620).

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**BACKGROUND:**

- The ED met with the City of Edmonton in June to discuss a specific sole source procurement for the Edmonton Police Service.
- It was found at that time that our policy 5.5.3 on contracting and procurement required changes in order to align with the City of Edmonton's delegations as it relates to the Commission being allowed to approve sole source procurements within their allocated budget.
- The Commission does not need to bring non-competitive procurements with a value over \$500,000 to a Committee of City Council for formal approval so this guideline has been removed.
- Further enhancement to the policy allows the Commission to decide if they wish to bring 'politically sensitive' procurements to City Council as reports for information.

**Recommendations:**

- 1) That the Commission review the revisions to policy 5.5.3 Contracting & Procurement for approval.

<b>Effective:</b> Nov. 30, 2007 <b>Repealed:</b>	<b>Revised:</b> September 17, 2015 April 16, 2020
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### **5.5.3 CONTRACTING AND PROCUREMENT**

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The Edmonton Police Commission (“Commission”) may approve any procurement agreement related to the powers, duties, or functions of the Commission or the Edmonton Police Service (“Service”) where the expenditure is included within the total budget established by Edmonton City Council (“Council”).

#### **Definitions:**

**CONTRACT:** means a written accord wherein the parties to the accord exchange mutually enforceable promises for consideration with the intention to create legally binding obligations.

**POLITICALLY SENSITIVE PROCUREMENTS:** means that the media and/or public has or is expected to take an interest in the procurement

**PROCUREMENT:** means the acquisition of goods, services, construction, or intellectual property rights from a supplier, but does not include the acquisition of land

**SINGLE SOURCE:** means a non-competitive procurement process in which suppliers do not compete for the option to enter into a contract with the Commission or Service due to a business decision to use a single source of supply when other sources exist within the market for the desired good, service, construction, or intellectual property right

**SOLE SOURCE:** means a non-competitive procurement process in which suppliers do not compete for the option to enter into a contract with the Commission or Service because there is only one source of supply for the good, service, construction, or intellectual property available to the Commission or Service within the market

#### **Guidelines:**

1. The Commission may only approve procurement agreements that comply with applicable trade agreements. All procurements shall be conducted in a manner that is open, fair, and transparent.

2. The Commission may delegate the authority to approve procurement agreements to the Chief of Police (“Chief”), including the authority allowing the Chief to further delegate.
3. The Service will bring information reports (verbal or written) to the Commission on all politically sensitive procurements prior to the procurement being sent out or as soon as the sensitive nature of the procurement is identified.
4. **The Commission will further determine if any of the politically sensitive reports received need to be presented to Council.**
5. The Service will bring information reports on all competitive tenders over 10 million dollars to the Commission.
6. In general, there is an expectation that contracts over the applicable Trade Agreement thresholds awarded by the Commission and/or the Service will be the result of a public tender and a competitive procurement process unless they fall within clause 6 below.
7. In unique and specialized circumstances sole source and single source non-competitive contracts may be awarded. Non-competitive procurement processes should be used only in situations where there are substantial business reasons that outweigh the use of a competitive procurement process. All non-competitive procurement processes should be accompanied by sufficient documentation to establish that only one supplier can meet the requirements of the procurement.
8. The Service will bring reports for approval to the Commission on all non-competitive procurements with a value over \$500,000. **The Commission will then seek approval from the appropriate Committee of Council.**
9. **The Chief of Police must, at least once semi-annually, report to Standing Committee all procurement agreements arising from non-competitive procurement processes where the value of the agreement exceeds \$75,000. (Wording taken directly from City Administration Bylaw – 52.2)**
10. All contracts entered into by the Commission and the Service will conform to the City of Edmonton bylaws, policies, and procedures.
11. All Commission procurement activities not related to the Service or Service activities shall be actively managed by the Executive Director using the process outlined in *Appendix F – Contracting and Procurement Procedures*.

**Procedures:**

1. Detailed procedures relating to procurement and contracting for the Commission will be outlined in an appendix to the Commission's policy manual.
2. Detailed procedures relating to procurement and contracting for the Service will be outlined in their purchasing handbook.

**References:**

1. *City of Edmonton Bylaw 16620 – City Administration Bylaw*
2. *City of Edmonton Bylaw 14040 – Edmonton Police Commission Bylaw*
3. *City of Edmonton Directive A1465B – Procurement*
4. *City of Edmonton Directive A1205A – Contract Management*
5. *EPC Policy Manual - Appendix F – Procurement and Contracting Procedures*
6. *EPS Purchasing Handbook 2018 – Materials Management Branch*