

Employee Harassment and Discrimination Complaints Process Single Source Approval

Recommendation

That a single source agreement as outlined in the November 28, 2017 Financial and Corporate Services Report CR_5357, be approved, and that the agreement be in form and content acceptable to the City Manager.

Previous Council/Committee Action

At the November 20, 2017, Audit Committee meeting, the following motion was passed:

That Administration add to the Administrative response to the Corporate Culture Audit recommendations:

- Defined, consistent and well-communicated process for exit interviews, along with associated metrics.
- An interim and immediate external, independent process for employee complaints regarding harassment and discrimination.

Executive Summary

In 2017, the City Auditor completed an audit of the City of Edmonton's corporate culture to identify gaps between its current state and desired future state culture, including the effectiveness of the Corporate Culture Office.

One of the recommendations outlined the need for Administration to contract a third party to establish an internal intake process and develop an ongoing process for City of Edmonton staff to report harassment and discrimination complaints.

Report

Administration will be selecting a supplier through an invitational procurement process. This report requests approval for a single source agreement in the estimated amount of up to \$2,500,000.

An invitational procurement process is currently underway to select an independent third party consultant to initially provide an external intake process for City of Edmonton employee harassment and discrimination complaints. Additionally, the third

party consultant would be required to support the development of a new comprehensive and fair complaints and investigation process for employee harassment and discrimination complaints.

To expedite the award and execution of this agreement, Administration is seeking the approval to award a contract estimated at up to \$2,500,000. A portion of the service will be a fixed fee with the remaining larger portion based on a per investigation hourly rate. Administration will provide Executive Committee with the terms of the final agreement once it has been executed.

Legal Implications

As per the City Administration Bylaw 16620, agreements over \$500,000 that do not arise from a competitive procurement process, including invitational procurements, must be approved by the appropriate Committee of Council.

The New West Partnership Trade Agreement, Canadian Free Trade Agreement, and Canada and European Union (EU) Comprehensive Economic and Trade Agreement (CETA) require public tendering of agreements with a value of greater than \$75,000, \$100,000, and \$340,600, respectively, in the case of goods or services unless an exemption exists. In this situation, because there are other providers that offer comparable services, it is possible that no exemption exists. Approval of this single source may therefore result in non-compliance with the trade agreements. While the risk of legal challenge for non-compliance with the trade agreements is unlikely, there are potential legal, political, and reputational risks, and must be balanced against the anticipated additional costs of competitively procuring a similar procure to pay solution.

Budget / Financial Implications

It is expected that this agreement will not exceed \$2,500,000. Funding will be provided from existing departmental budgets.

Public Engagement

No public engagement has occurred as public engagement is not done on procurement reports.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Current [Corporate Outcomes](#)

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Outcome(s)	Measure(s)	Result(s)	Target(s)
Edmonton is a safe city	Number of complaints	Will be tracked by external party	Number of complaints decreasing - Q2 2018

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations
If Not Approved						
Financial	Funding Request is denied Not proceeding with this single source request would require the competitive procurement of these services from the market, which will impact the timelines and risk additional concern or harm to employees.	2 - Unlikely	4 - Severe	8 - Medium	N/A	Competitively procure all future requirements to ensure proposals are received from all interested bidders.

Others Reviewing this Report

- C. Campbell, Deputy City Manager, Communications and Engagement