Minutes – Executive Policy Committee – February 15, 2017

REPORTS

Item No. 1 Award of Contract for an Integrity Commissioner – Expression of Interest 454-2016

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That Sherri Walsh of Hill Sokalski Walsh Olson LLP be awarded a contract as the City of Winnipeg's Integrity Commissioner on a two-year renewable term, subject to Council approval, in accordance with all applicable City policies including, without limitation, the City's Materials Management Policy.

2. That a yearly retainer fee of $25,000.00 be approved with an hourly cost of $200.00 for Sherri Walsh's services, $150.00 per hour for the services of an associate and $100 per hour for the services of an articling student, thereafter, plus MRST and GST.

3. That the Director of Legal Services and City Solicitor be directed to provide the necessary contract with a start date of April 1, 2017.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Pursuant to The Municipal Conflict of Interest Act, Councillor Orlikow advised that he would refrain from entering the discussion and voting on the following matter, due to a potential conflict of interest, and left the room during consideration of the matter.

Moved by Councillor Pagtakhan,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Carried

Marty Gold submitted documentation with respect to the matter.

ADMINISTRATIVE REPORT

Title: Award of Contract for an Integrity Commissioner in accordance with Expression of Interest 454-2016

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Watt	R. Kachur	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

A total of 9 proposals were received and reviewed independently using the Materials Management Standard Scoring Matrix spreadsheet. Ms. Sherri Walsh of Hill Sokalski Walsh Olson LLP received the highest overall rating. The panel is recommending that Council approve and award the contract to Ms. Walsh, as the Integrity Commissioner for the City of Winnipeg on a two-year renewable term, subject to Council approval, for an hourly cost of $200.00 for her service, $150.00 per hour for the services of an associate and $100 per hour for the services of an articling student, with a yearly retainer of $25,000.00.

RECOMMENDATIONS

1. That Sherri Walsh of Hill Sokalski Walsh Olson LLP be awarded a contract as the City of Winnipeg's Integrity Commissioner on a two-year renewable term, subject to Council approval, in accordance with all applicable City policies including, without limitation, the City's Materials Management policy.

2. That a yearly retainer fee of $25,000.00 be approved with an hourly cost of $200.00 for Ms Walsh's services, $150.00 per hour for the services of an associate and $100 per hour for the services of an articling student, thereafter, plus MRST and GST.

3. That the Director of Legal Services and City Solicitor be directed to provide the necessary contract with a start date of April 1, 2017.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On February 24, 2016, Council received as information the report titled "Office of Integrity (Ethics) Commissioner – Proposed Engagement Process" which outlined a process for the engagement of the Integrity Commissioner. Within that report it was identified that the final

appointment would be done by Council and with the process being in accordance with all applicable City policies, including the City's Materials Management Policy.

As well, only Council has the authority to approve the recommendation of award as the term of the contract commits money to the 2017 and 2018 budgets.

IMPLICATIONS OF THE RECOMMENDATIONS

By implementing an Integrity Commissioner, the City is providing a transparent, accessible and open process for Members of Council, members of Administration and members of the public, to report or receive information on a perceived conflict by a Member of Council and be ensured that an independent officer will have powers to investigate issues and report their findings to Council.

The term of the contract will be for a two-year period with an option for renewal up to 5 – 2 year terms.

HISTORY/DISCUSSION

On December 9, 2015, Council approved the creation of the Office of Integrity Commissioner and directed the Public Service to report back with a proposed process for the engagement of an Integrity Commissioner.

On February 24, 2016, Council received as information the proposed process for the engagement of an Integrity Commissioner, on a two-year renewable term, in accordance with all applicable City policies including, without limitation, the City's Materials Management policy.

On June 17, 2016, an Expression of Interest (EOI 454-2016) was posted to the City of Winnipeg Materials Management website to allow interested individuals to submit their interest. Addendums were issued for the EOI and the deadline for submissions was extended to August 19, 2016.

On September 21, 2016, the Mayor appointed a three member panel of Council, chaired by Deputy Mayor Mike Pagtakhan, joined by Speaker Devi Sharma and Councillor Matt Allard.

The Request for Expression of Interests closed on August 19, 2016, with a total of 9 proposals received.

The Committee reviewed all of the expression of interests using the Materials Management Standard Scoring Matrix spreadsheet. The panel agreed to the allocated points for each set of criteria prior to reviewing the proposals and each member reviewed and scored each proposal independently.

The evaluation of EOI submissions included:

- hourly fees for service
- name, address and telephone number(s) of the Applicant;
- a brief description of the Applicant's background.

- a brief description of the Applicant's knowledge, experience or awareness of the applicable legislation and by-laws governing Municipal Council Conflict of Interest and their ability to interpret that legislation or by-law;
- a description of key staff/team member roles to be involved, their associated professional qualifications, and prior work experience, if applicable.
- a description of any similar experience or history on the subject matter.
- a brief description of experience in relation to drafting and preparing official reports and documentation.
- a brief description highlighting extensive communication skills.
- a brief description of knowledge on the practices and techniques in launching formal and informal investigations.
- demonstrate ability and commitment to be neutral and impartial.
- proven skills in working with minimal supervision and the ability to exercise discretion, sound judgment and problem solve.
- a description of any other information which the Applicant considers pertinent to the EOI.
- provide reference contact(s) from previous work which was similar in scope or nature.

Ms. Sherri Walsh of Hill Sokalski Walsh Olson LLP received the highest overall rating.

The Contract Administrator has reviewed the work with the recommended proponent and is satisfied that they have the necessary resources and experience to perform the work of the contract in accordance with the requirements of the Expression of Interest.

Therefore, the recommendation of the panel is to award Sherri Walsh, of Hill Sokalski Walsh Olson LLP, as the Integrity Commissioner for the City of Winnipeg, on a two-year renewable term, subject to Council approval, in accordance with all applicable City policies including, without limitation, the City's Materials Management policy, for an hourly cost of $200.00 for her service, $150.00 per hour for the services of an associate and $100 per hour for the services of an articling student, with a yearly retainer of $25,000.00, plus MRST and GST.

FINANCIAL IMPACT

Financial Impact Statement

Date: December 16, 2016

Project Name:

First Year of Program 2017

Award of Contract for an Integrity Commissioner in accordance with EOI 454-2016

	2017	2018	2019	2020	2021
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Less: Existing Budget Amounts	100,000	100,000	100,000	100,000	100,000
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

Direct cost above represent the estimated costs of ongoing operations of the Office of the Integrity Commissioner. Actual cost depends on the actual service hours to be spent by the Intergrity Commisioner and her team.

It is assumed that budgets for 2018 and onward will continue to provide funding for this purpose.

Original signed by Ramona Hodges
Ramona Hodges
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

Materials Management
Legal Services as to Legal Issues

OURWINNIPEG POLICY ALIGNMENT

Not applicable.

SUBMITTED BY

Department: City Clerk's
Prepared by: Destiny Watt, Senior Committee Clerk
Date: January 31, 2017