TO: Mayor and Council  
FROM: Hal Linscott, City Solicitor and Director of Legal Services  
RESOURCE STAFF: Alan McLeod, Senior Legal Counsel  
DATE OF MEETING: November 2, 2010  
SUBJECT: Viewing of Procurement Submissions by Councillors

EXECUTIVE SUMMARY:
This information report is to advise Council of the absence of any request made pursuant to the 2006 policy allowing Councillors to view confidential information related to procurements. Under that policy, Councillors were to make requests to Commissioners through a formal written process. No such requests or viewings have been made since the date of the policy.

RECOMMENDATION:
This report is for information purposes only.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY DIRECTOR OF LEGAL SERVICES
Hal Linscott, City Solicitor and Director of Legal Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, Sustainability & Growth  ✔
Lanie Hurdle, Community Services  ✔
Denis Leger, Transportation, Properties & Emergency Services  ✔
Jim Keech, President and CEO, Utilities Kingston  ✔

(N/R indicates consultation not required)
OPTIONS/DISCUSSION:
In September 2006, Council introduced a set of policies and procedures designed to address real or apparent lobbying related to procurements administered by staff. While most of the new policies and procedures related to lobbying by potential suppliers competing for a contract, Council also provided for processes related to its own role during the period of time between the advertising of a tender or an RFP and its award. Pursuant to Report No. 93, Clause 3., at its regular meeting of 5 September 2006, Council directed:

That Kingston City Council establish a process by which individual Councillors have access to confidential information in relation to a procurement process. It is recommended that such information be available on a view only basis in the office of the appropriate Commissioner upon a formal request in writing using a recommended form. That form would require the Councillor to declare that he or she requires the information in his or her capacity as a member of Council, that the Councillor does not have a conflict of interest and that the information will be treated as confidential and will not be disclosed. To ensure transparency of the procurement process, staff is recommending that a semi-annual report be prepared by the Legal Services Department and provided to Council on the extent of individual Councillor requests that are made.

“Confidential information” contemplated under this process would primarily include the bids or submissions of suppliers of goods or services to the City provided as part of the purchasing process prior to the award of contract. Prior to awarding any contract, evaluation might be open to influence were lobbying to occur.

Review by the Legal Services Department with the offices of each Commissioner, as well as all administrative staff of current and past Commissioners, has confirmed that there have been no instances of requests for viewing of confidential information pursuant to this policy. The absence of any request pursuant to this policy has resulted in no reports on this use to date.

EXISTING POLICY/BY LAW:

NOTICE PROVISIONS:
Not applicable

ACCESSIBILITY CONSIDERATIONS:
Not applicable

FINANCIAL CONSIDERATIONS:
Not applicable

CONTACTS:
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OTHER CITY OF KINGSTON STAFF CONSULTED:
Cynthia Beach, Commissioner, Sustainability and Growth
Terry Willing, Acting Commissioner, Community Services (as at that date)
Denis Leger, Commissioner, Transportation, Properties & Emergency Services
Jim Keech, Utilities Kingston

EXHIBITS ATTACHED:
None