

EDMONTON

ADMINISTRATIVE PROCEDURE



TITLE

CITY EMPLOYEES – CONTRACTS WITH THE CITY

NUMBER

A1203B

DEPARTMENT

CORPORATE SERVICES

DELEGATED AUTHORITY

GENERAL MANAGER – CORPORATE
SERVICES

CONTACT

LAW BRANCH – ADMINISTRATIVE SECTION
496-4249

DEFINITIONS

DATE

FEBRUARY 9, 2006

Contract - any agreement to which the City is or will be a party to, either directly or through an agent.

Corporation - means a body corporate or company incorporated or continued under the Alberta *Business Corporations Act* and not discontinued under the Alberta *Business Corporations Act*.*

Director - means the person occupying the position of director of a Corporation by whatever name and “directors” and “board of directors” includes a single director.*

Distributing Corporation - means a Corporation that is a reporting issuer for the purposes of the *Securities Act*.*

Employee - means any individual employed by the City, including those employed on a personal services agreement, but not including elected officials or their assistants.

Employee’s Immediate Family - means the Employee’s children, siblings, parents and/or Spouse and the children, siblings and parents of the Employee’s Spouse.

Officer - means an individual who has been delegated duties and powers to manage the business and affairs of a Corporation.*

Pecuniary Interest - means a monetary benefit will flow to the Employee or the Employee’s Immediate Family.

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AS TO CONTENT:

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Shareholder - means the holder of shares of a class or series of shares of a Corporation.*

Spouse - means the husband or wife of a married person or an individual's same sex partner. Spouse does not include a husband, wife or same sex partner who is living separate and apart from the Employee if the Employee and their husband, wife or same sex partner have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

*In the event these definitions are different from the Alberta *Business Corporations Act*, the Alberta *Business Corporations Act* shall govern.

PROCEDURES AND GUIDELINES

If an Employee believes he/she has a Pecuniary Interest in a Contract, the Employee shall immediately notify their General Manager in writing of the Employee's Pecuniary Interest. The Employee shall make no attempt of any kind to influence any decisions about the form, content, existence or administration of the Contract and make no attempt of any kind to reward or punish another Employee for making decisions about the form, content, existence or administration of the Contract.

If an Employee believes he/she has a Pecuniary Interest in a Contract and it is part of the Employee's employment duties to participate in a decision about the form, content, existence or administration of the Contract, the Employee shall immediately notify in writing his or her General Manager of the existence and nature of the Pecuniary Interest and shall take no part in such decisions regarding the Contract pending a response from the General Manager.

Upon receiving notice of an Employee's Pecuniary Interest, the Employee's General Manager shall determine whether the Employee has a Pecuniary Interest. In making this determination, the General Manager shall look at the following factors:

- Could the Contract monetarily affect the Employee or the Employee's Immediate Family; and
- Is the Employee or a member of the Employee's Immediate Family a Shareholder, Director, or Officer of a Corporation bidding or entering into the Contract?

The General Manager may obtain advice from the Law Branch in determining whether an Employee has a Pecuniary Interest in a Contract.

An Employee will not have a Pecuniary Interest only by reason of a member of the Employee's Immediate Family working for an employer that is entering or has a Contract with the City, or by reason otherwise considered remote.

The failure of an Employee to disclose their Pecuniary Interest in a Contract may lead to discipline up to and including termination.

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If the General Manager determines that the Employee does not have a Pecuniary Interest, the General Manager may direct the Employee to resume participating in decisions about the Contract.

If the General Manager determines that the Employee does have a Pecuniary Interest, the General Manager shall direct the Employee to refrain from participating in decisions about the Contract and if necessary, appoint someone else to participate in the decisions about the Contract in place of the Employee.

If a General Manager believes that he/she has a Pecuniary Interest in a Contract, the General Manager shall ask the City Manager to fulfill the duties of the General Manager with respect to that Contract.

If the City Manager believes that he/she has a Pecuniary Interest in a Contract, the City Manager shall refer the Contract to the appropriate Committee of City Council to fulfill the duties of the City Manager with respect to that Contract.

FREQUENTLY ASKED QUESTIONSS

I am a labourer in Drainage. The City has posted an RFP to operate a concession stand at the Stadium, and a Corporation in which I am a Shareholder would like to bid. Can it? Or alternatively, could I personally bid on the RFP?

The Corporation can bid on the RFP; however you must notify your General Manager in writing that you are a Shareholder of a Corporation that is bidding on the RFP. You can bid on the RFP, but you must notify your General Manager in writing that you are bidding.

I work in Community Services. I was just reading the newspaper and I noticed that the City needs winter hats for its Bylaw Officers and will be offering a contract to make the winter hats. My mother-in-law is a seamstress, can I tell her to bid on the Contract?

Yes. However, in the event your mother-in-law decides to bid on the Contract you must notify your General Manager in writing that your mother-in-law is bidding.

My husband works for Canada Post in the mail sorting division, I have heard that the City and Canada Post are entering into a Contract for Canada Post to provide Saturday mail service when delivering property assessments. Do I have a Pecuniary Interest?

No. You do not have a Pecuniary Interest by reason of your Spouse being an employee of Canada Post.

My Branch is having two Christmas parties and we are hiring one Santa Claus for both. I am sitting on the interview panel. My son, who does not live at home, is applying. Do I have to remove myself from the interview panel?

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You need to advise your General Manager in writing that your son is applying for the Santa Claus position. You also need to remove yourself from the interview panel and take no part in the hiring process.