

COMMITTEE OF THE WHOLE (WORKING SESSION) – MARCH 6, 2012

COMMUNICATIONS

Distributed at the March 6, 2012 Committee of the Whole (Working Session) meeting

- | | <u>Item No.</u> |
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| C1. Memorandum from the Commissioner of Legal and Administrative Service and City Solicitor, dated March 5, 2012 | 1 |

Received at the March 6, 2012 Committee of the Whole (Working Session) meeting

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| C2. Presentation material and attachments, submitted by the Commissioner of Finance/City Treasurer, dated March 6, 2012. | 1 |
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Please note there may be further Communications.

C 1
COMMUNICATION
CW - (WS) March 6/12
ITEM - 1

Date: March 5, 2012

To: Mayor and Members of Council

Re: Committee of the Whole (Working Session) Report # 1:
Draft Consolidated Purchasing Policy and Draft Green Procurement Policy

This Memorandum is being provided as additional information to the above-referenced report.

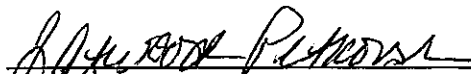
It is recognized that external legal expertise is often needed quickly, for example, between Committee of the Whole and Council meetings. Also, there are court imposed strict deadlines, legislated deadlines, and regulatory obligations. Given the unique nature of legal services, and the factors that are important to selection of external legal counsel (nature of the matter, expertise, experience, rates), following the standard processes of a Procurement Policy could result in delay. As well, the knowledge base of particular firms about the City of Vaughan, its policies, collective agreements and other matters, also means that certain firms can respond more quickly and efficiently, and therefore, more economically. Accordingly, it is recommended that the retention of external legal services be exempted from the application of the upcoming Purchasing Policy.

Staff have reviewed Purchasing Policies / By-laws applicable in several other municipalities. Most of these Policies / By-laws indicate that the purchase of external legal services is exempt from the application of the Policy / By-law including the following: Town of Aurora, City of Barrie, City of Brampton, Region of Durham, City of Hamilton, City of London, City of Mississauga, Town of Newmarket, Town of Oakville, City of Ottawa, Region of Peel and Town of Richmond Hill.

As previously reported to Council, legal staff has recently completed a Request for Proposal process with respect to the provision of external legal services. This allows external legal services to be retained notwithstanding the sole source or single source policies.

All of the highest-scoring firms proposed some or all of the following: discounted rates (2%-30%), complimentary education or training, establishment of extranet services, flat fees and/or 2-year fee guarantees and volume discounts. Accordingly, subject to Council approval of the Counsel List, it is anticipated that the City will experience cost savings for external legal services over the next two year (or longer) period, as well as savings resulting from complimentary education and training.

Therefore, while the purchase of external legal services would be exempt from application of the upcoming Purchasing Policy, staff have and will continue to exercise due diligence in ensuring that external legal services will continue to be delivered in a cost-effective and efficient manner.


Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services
and City Solicitor

memorandum

Copies: ***Clayton D. Harris***
 City Manager

Barbara Cribbitt
 Commissioner of Finance and City Treasurer

Heather A. Wilson
 Director of Legal Services

Jeffrey Abrams
 City Clerk



CA
CW (WS)
MARCH 6/2012
Item #1

Committee of the Whole (Working Session) March 6, 2012

Options to Amend the City's Purchasing Policy

Vaughan Vision 20|20

LOOKING TO OUR FUTURE

Objectives of Today's Meeting

- To review key aspects of the Draft Consolidated Purchasing Policy
- To review aspects of comparable municipal purchasing policies/by-laws
- To hear discussion and receive input from Council that will be addressed when staff report back for approval of the Consolidated Purchasing Policy

Approach to Consolidation

- Reviewed 15 Ontario municipal purchasing policies
- Observed different approaches in other policies, and many similarities – all include authority limits, some include procedures and some include bid document information
- Framework chosen is the Region of York's Purchasing policy
- Focused on a “policy” document rather than “procedure” document
- The City's “Tendering Policy” is a separate policy

Purchasing Policy Was Based on a Thorough Review

- A thorough review of the City's procurement process took place in 2001, facilitated by KPMG. At this time, the signing authority of staff (Director of Purchasing Services) to award contracts was increased from \$35,000 to \$100,000, which is the level of staff authority still in place today.
- In 2001 Council also increased low dollar limit from \$500 to \$3,000, and implemented the current day authority for consulting/professional contracts to \$10,000 for Directors and \$35,000 for Commissioners

2004 Tendering Policy Review

- In 2004, the City formed a Tendering Policy Task Force to undertake a full review of the City's bid document
- The task force was composed of:
 - Internal – City Manager, Commissioners, Legal representative, and Director of Purchasing
 - Senior External Representatives from
 - Ontario General Contractors Association
 - Vaughan Chamber of Commerce
 - Toronto Construction Association
 - Greater Toronto Sewer and Watermain Contractors Assoc.
 - Weir & Foulds LLP
- Task force recommendations were implemented

Key Sections of Consolidated Purchasing Policy

Purposes, Goals & Objectives of the Purchasing Policy

The purposes, goals and objectives of this Purchasing Policy and of the procurement procedures authorized herein are:

- to ensure fairness, objectivity, accountability and transparency in an efficient procurement process
- to obtain high quality goods, services or construction at a cost that provides the best value to the City
- to encourage competition among bidders
- to take into account environmental consideration in purchasing decisions where possible by having regard for City's Green Purchasing Policy

Purchasing Policy Applies to:

- This Purchasing Policy shall apply to the procurement of goods, services or construction for the purposes of all City departments;
- No expenditure, purchase or commitment shall be incurred or made, and no account shall be paid by the City for goods, services or construction except as provided in this Purchasing Policy or otherwise approved by Council;
- No contract shall be entered into and no expenditure shall be authorized or incurred unless Council has provided funds for such purpose in the annual budget or approved the provisions of such funds and no expenditure shall be authorized or incurred in excess of the funds provided;
- No employee or Member of Council of the City of Vaughan shall personally obtain any personal or real property that has been declared surplus unless it is obtained through a public process, unless otherwise specifically provided for in another City policy;
- No contract for the procurement of goods, services or construction shall be divided into two or more parts for the purpose of avoiding the application of this Purchasing Policy;
- All procurement undertaken by the City shall be undertaken in accordance with all applicable City Codes of Conduct and in accordance with the Municipal Conflict of Interest Act.
- This purchasing policy shall not apply to the purchase of those goods and services set out in section 17.1 (c) and (d)

Responsibilities

Commissioners

- Each Commissioner shall have the responsibility for the procurement of goods, services or construction for the City departments that have been assigned to that Commissioner
- Each Commissioner shall have the responsibility to prepare and submit reports for award of the contracts in accordance with this Purchasing Policy

Responsibilities Cont'd

Director of Purchasing Services

- providing procurement advice including preparing call for bids documentation
- administering the call for bids and ensuring compliance with the terms and conditions of the call for bids
- reviewing the scope of work as prepared by the applicable City department for compliance with this Purchasing Policy
- development of co-operative purchasing plans
- development & standardization of procurement procedures
- disposal of surplus stock
- review of reports for award of contract for compliance to Purchasing Policy

Authorization of Purchases

- Each Commissioner or designate may authorize a purchase where the total cost of any goods, services or construction does not exceed three thousand dollars (\$3,000.00) without the need of a call for bids
- Each Director may authorize a purchase where the total cost of consulting and professional services, does not exceed ten thousand dollars (\$10,000.00) without the need of a call for bids
- Each Commissioner may authorize a purchase where the total cost of consulting and professional services does not exceed thirty five thousand dollars (\$35,000.00) for Commissioners without the need of a call for bids
- The Director of Purchasing Services may authorize the award of contracts, upon recommendation from a Commissioner, where the total cost of any goods, services or construction exceeds three thousand dollars (\$3,000.00) but does not exceed one hundred thousand dollars (\$100,000.00)
- Where the total cost of any goods, services or construction exceeds one hundred thousand dollars (\$100,000.00) a recommendation report shall be submitted to Council by the Commissioner in conjunction with the Director of Purchasing Services for contract award

Delegated Authority

City Manager

- To award tenders and to authorize the execution of tenders during a hiatus of Council, provided no tender shall be authorized that is not included in the approved budget
- To approve a non-budgeted consultant selection, providing extraordinary services, where the estimated fee including disbursements does not exceed \$15,000
- To approve non-budgeted, emergency items under \$15,000

Pre-Qualifications and Expressions of Interest/ Information

- Request for Pre-Qualification
 - for the purpose of selecting qualified bidders to respond to a call for bids
 - does not create a contract
 - removal from list for unsatisfactory performance evaluation
- Request for Expression of Interest/Information
 - for the purpose of determining availability of goods, services and potential bidders
 - does not create a contract
 - may be a pre-condition for procurement

Bidding Methods

1. Request for Quotations
2. Request for Tenders
3. Request for Proposals (RFP)

Bidding Methods Cont'd

Request for Quotations

7.1 A request for quotations may be issued where the estimated total cost does not exceed one hundred thousand dollars (\$100,000.00) and the following criteria apply:

- a) two or more sources are available to supply the goods, services or construction;
- b) the goods, services or construction are clearly ascertainable and permit the evaluation of bids against applicable specifications;
- c) the market conditions are such that bids can be submitted on a competitive pricing basis; and
- d) it is intended that the lowest cost responsive bid shall be accepted without negotiation.

7.2 Request for quotations that exceeds one hundred thousand dollars (\$100,000.00) upon bid opening shall be submitted to Council for approval.

Bidding Methods Cont'd

Request for Tenders

- 7.3 A request for tenders shall be issued where the estimated total cost exceeds one hundred thousand dollars (\$100,000.00) and the following criteria apply:
- a) two or more sources are available to supply the goods, services or construction;
 - b) the goods, services or construction are clearly ascertainable and permit the evaluation of bids against applicable specifications;
 - c) the market conditions are such that bids can be submitted on a competitive pricing basis; and
 - d) it is intended that the lowest cost responsive bid shall be accepted without negotiation.

Request for Proposals

- 7.4 A request for proposals shall be issued where the goods, services or construction cannot be specifically defined and it is anticipated that bidders may propose a variety of alternatives to fulfill the City's requirements.

Sole /Single Source Purchase

- Sole source

- A sole source purchase may be made for the procurement of goods, services or construction without issuing a call for bids where:
 - the compatibility of a purchase with existing equipment, facilities or service is the paramount consideration and Council has authorized a sole source purchase pursuant to a report; or,
 - the purchase is the subject matter of co-operative purchasing plans with other levels of government, municipalities, boards, agencies, commissions, or public sector entities where such plans are determined to be in the best interests of the City

- Single source

- A single source purchase may be made for the procurement of goods, services or construction without issuing a call for bids where there is only one legal entity capable of fulfilling the contract.

Emergency Purchases

- In cases of emergency, purchase is authorized without issuing call for bids
- Purchasing will endeavour to obtain lowest cost, where feasible

Contractor Performance

- Each Commissioner shall be responsible for monitoring the performance of contractors and shall advise the Director of Purchasing Services in writing with documented evidence where the performance of a contractor has failed to comply with a contract or other City requirements.
- Note – this clause links into the Bid Document and was recently linked to the terms of reference for pre-qualification

Bid Review Committee

- Used where a bid contains an informality or irregularity or if there is a challenge to the call for bids process
- Composed of Treasurer, Director of Purchasing, Commissioner or Director from requesting department and solicitor
- In rare occasions, Council approval may be sought

Disposal of Surplus Stock and Obsolete Equipment

- Each Commissioner shall submit to the Director of Purchasing Services reports of surplus stock including furniture, vehicles, equipment, supplies, and other goods which are no longer used or which have become damaged or obsolete.
- The Director of Purchasing Services shall have the authority to transfer such surplus stock from one department to another department, or to another municipality, and shall have the authority to sell or dispose of such surplus stock and /or obsolete equipment or to exchange or trade the same for replacement goods.
- Where surplus stock is offered to but not required by any City department or another municipality it shall be disposed of by call for bids.

Payment of Accounts

17.1 Except as otherwise provided, the City Treasurer shall be authorized to pay:

- a) all accounts for the purchase of goods, services or construction, where the purchase of such goods, services or construction has been made in accordance with this policy, or otherwise approved by Council;
- b) all accounts authorized by payment certificate, for work done under a contract approved by the Director of Purchasing Services or Council, where such payments have been certified in writing by the appropriate Commissioner or designate as assigned by the Commissioner.
- c) all requisitions for monies for which the City is by statute required to pay to its local boards or other bodies on account of their approved annual estimates, including advances before such budgets are approved.
- d) all items listed below subject to such expenditures being approved by the appropriate staff and being within the department's annual approved budget:
 - i. Employer's General Expenses
 - ii. Utilities
 - iii. Postal Charges
 - iv. Training and EducationRefundable Employee Expenses

Topics for Discussion

- Budget approval requirement
- Contingencies
- Emergency Purchases – process
- Front ended construction repayment
- Staff approval levels
- Expenditures Exempt from Purchasing Policy

Discussion – Budget Approval for Operating Budget Contract Awards

“No expenditure, purchase or commitment shall be incurred or made, and no account shall be paid by the City for goods, services or construction except as provided in this Purchasing Policy or otherwise approved by Council;”

- Capital Budget – No issue as budget must be approved
- Draft wording may create the inability to award contracts until the operating budget is approved each year, or the wording restricts the ability to award multi-year contracts (as future budgets are not approved)
- Other municipal purchasing policies generally did not deal with budget restrictions specifically, although a few referenced other “Financial Control” or “Expenditure Control” policies
- Potential Wording:
“or upon a determination bythat the required operating funding can reasonably be expected to be made available in the current or future years”

Discussion - Contingency Section

- The Region of York Purchasing By-law includes a “Contingency” section authorizing staff to go to a 15% contingency amount and a staff “Change in Scope” authority up to 20% (as long as budget is available)
- No reference to “contingency” in other 14 municipal purchasing policies
- Suggestion - Recognition in the purchasing policy that contingencies should be appropriately assigned to projects based on risk assessment.

Discussion - Emergency Purchases

- Discussion – Staff Authority Level and Communication to Council.
- All 15 of the purchasing policies reviewed included sections regarding emergency purchases, and the majority required information reports back to Council for high dollar emergency procurements
- Suggested approach:
 - Commissioner notification/authorization of emergency purchase
 - Report back to Council when over \$100,000
 - Report back to Council if not included in budget (any amount)

Discussion - Developer Front Ended Work

- Developers construct, through subdivision or developer agreements, front-ended municipal infrastructure.

Suggested Approach

- Staff report back with an appropriate clause to be included in the Consolidated Purchasing Policy

Discussion - Staff Approval Levels

- Current staff approval levels have been in place since 2001
- Researched staff approval levels at comparable municipalities
- Many now have unlimited staff authority when tender/proposal meets certain criteria (thus low risk), e.g. ;
 - Lowest bid
 - No bid challenges or protests
 - Within approved budget
 - No litigation with municipality
- Regular reporting to Council of high value staff awards

Tenders – Comparable Staff Authority Levels

Town of Markham*	Unlimited
Town of Oakville*	Unlimited
City of Mississauga*	Unlimited
City of Barrie	Unlimited
Region of Peel	Unlimited
Region of York*	Unlimited
Region of Durham*	Unlimited
City of Toronto	\$ 20,000,000.00
City of Brampton*	\$ 1,000,000.00
City of Burlington*	\$ 1,000,000.00
Town of Richmond Hill	\$ 500,000.00
Town of Newmarket	\$ 250,000.00
City of Hamilton	\$ 250,000.00
City of Vaughan	\$ 100,000.00
City of London	\$ 100,000.00
Town of Aurora	\$ 50,000.00

*Subject to Criteria being met

RFPs – Comparable Staff Authority Levels

City of Mississauga	Unlimited
City of Barrie	Unlimited
City of Toronto	\$ 20,000,000.00
City of Burlington	\$ 1,000,000.00
Town of Richmond Hill	\$ 500,000.00
Region of York	\$ 500,000.00
Town of Markham	\$ 350,000.00
Town of Newmarket	\$ 250,000.00
Region of Peel	\$ 250,000.00
City of Hamilton	\$ 250,000.00
Town of Oakville	\$ 250,000.00
Region of Durham	\$ 125,000.00
City of Brampton	\$ 100,000.00
City of London	\$ 100,000.00
City of Vaughan	\$ 100,000.00
Town of Aurora	\$ 50,000.00

Impact of Authority Levels

- Increasing staff authority limits can streamline the process for awarding contracts
- Awards requiring Council authority can take approximately 30 days longer to process
- The following table shows an example of reduced awards reports to Council if staff authority were increased to \$350,000

Example – Bids over \$100k

2009	100k-350k	Over 350k	Total
100+			
Tenders	24	27	51
RFP's	5	0	5
TOTAL	29	27	56

2010	100k-350k	over 350k	Total
100+			
Tenders	19	18	37
RFP's	3	2	5
TOTAL	22	20	42

2011	100k-350k	over 350k	Total
100+			
Tenders	21	17	38
RFP's	3	3	6
TOTAL	24	20	44

Discussion

- Increase staff approval limit for tenders when criteria have been met, e.g.;
 - The award is to the lowest priced bidder
 - The award of the contract is within the approved budget
 - There is no litigation between the successful bidder and the City at the time of award
 - There are no bidder protests and/or disqualified bidders at the time of the contract award
- Report back quarterly to Council on staff awards over \$100,000
- Staff limits for RFPs remain at \$100,000

Discussion - Low Dollar Purchases

- Low dollar purchases are noted in the various municipal purchasing policies as being permitted without the use of a competitive process.
- The volume of low dollar purchases generally is high, whereas the total amount spent on low dollar purchases is relatively low.
- 9 out of 15 municipalities (not including Vaughan) include low dollar purchase methodology in their policy
- 8 out of 9 use Pcards for low dollar purchases

Comparable Low Dollar Purchases Levels

	<u>Low \$</u>	<u>Methodology</u>
Region of York	\$50,000	Not mentioned
City of Burlington	\$20,000	Not mentioned
Town of Richmond Hill	\$10,000	Not mentioned
Town of Newmarket	\$10,000	PO, Pcards, GSO
City of London	\$10,000	Pcard or PO
City of Ottawa	\$10,000	Pcard, PO or Invoice
City of Barrie	\$10,000	PO, Petty Cash, Pcards
Town of Markham	\$5,000	PO, Pcards, GSO
Region of Peel	\$5,000	Not mentioned
Durham Region	\$5,000	Not mentioned
City of Mississauga	\$5,000	Pcard or Cheque Req.
City of Hamilton	\$5,000	Not mentioned
Town of Oakville	\$5,000	Pcards
City of Vaughan	\$3,000	FPO
Town of Aurora	\$2,500	Cheque Requisition
City of Brampton	\$2,500	Pcard or Cheque Req.

Expenditures Exempt from Purchasing Policy

- Majority of municipal purchasing policies reviewed included a schedule listing expenditures that were exempt from purchasing policy requirements
- Lists generally included:
 - Expenditures for training and education
 - Refundable employee expenses
 - Employer's general expenses
 - Professional and Special Services
 - Utility Charges
 - Postal Charges
 - Statutory Expenses
- Staff will report back with an exemption list, based on Council's discussion and input

Green Procurement Policy

The draft Green Procurement Policy has been developed to align with the *Green Directions Vaughan*, the Community Sustainability and Environmental Master Plan, which was approved by Council in April 2009. The draft Green Procurement Policy is a companion policy to the draft Consolidated Purchasing Policy, and is a statement of intent to recognize the importance that purchasing decisions have in contributing to the environmental sustainability of the City.

Further Discussion

SCHEDULE "A"

1. Expenditures for Training and Education, including:
 - a) attendance at conferences, seminars, courses and conventions;
 - b) subscriptions to books, magazines and periodicals;
 - c) membership fees; and
 - d) fees for trainers/facilitators.
2. Refundable Employee Expenses, including:
 - a) advances for expenditures;
 - b) meal allowances;
 - c) travel and entertainment expenses; and
 - d) miscellaneous expenses.
3. Employer's General Expenses, including:
 - a) payroll deduction remittances;
 - b) health benefits;
 - c) licences required for Regional personal property (e.g. vehicles);
 - d) debenture payments;
 - e) insurance premiums;
 - f) grants to agencies;
 - g) damage claims;
 - h) petty cash replenishment;
 - i) tax remittances;
 - j) sinking fund payments; and
 - k) witness fees.
4. Professional and Special Services, including:
 - a) committee fees;
 - b) provision of professional and skilled services to individuals where such professional and skilled services are part of programs specifically approved by Council pursuant to this Schedule;
 - c) payments to Social Service and Health Agencies that are subject to purchase of service agreements;
 - d) medical and dental fees; and
 - e) licences and maintenance costs for proprietary software and systems.
5. Utility Charges, including:
 - a) water;
 - b) hydro;
 - c) natural gas;

- d) utility relocations;
 - e) telephone; and
 - f) telecommunications.
6. Postal charges.
7. Any payments required to be made by the Region under statutory authority.

#1233643

SCHEDULE "A"
EXEMPTION

The following items are exempt from the application of this by-law:

1. Training and Education

- (b) conferences
- (c) courses
- (d) seminars
- (e) conventions
- (f) memberships
- (g) periodicals
- (h) magazines
- (i) subscriptions
- (j) staff training
- (k) staff development
- (l) staff workshops
- (m) books

2. Refundable Employee Expenses

- (a) cash advances
- (b) meal allowances
- (c) travel expenses
- (d) entertainment
- (e) miscellaneous – non-travel
- (f) hotel accommodation
- (g) mileage

3. Utilities

- (a) postage
- (b) water and sewage charges
- (c) telephone service (i.e. Bell)
- (d) cable television service
- (e) hydro
- (f) gas
- (g) other regulated authorities operating within and across municipal right-of-ways (e.g. CN Rail, GO Transit, Enbridge)

4. Professional and Special Services

- (a) Committee fees
- (b) Counselling services
- (c) legal services, including all fees and disbursements
- (d) other professional services related to pending/on-going litigation or legal matters
- (e) witness services
- (f) arbitrators and mediators
- (g) forensic auditors
- (h) annual audit fees
- (i) appraisal services
- (j) performance artists' fees (i.e. for theatre or special events)
- (k) honouraria
- (l) providers of artistic and recreational services, such as instructors, dance/yoga/pilates teachers, historical experts, artistic designers, health and appearance therapists;
- (m) facilitators, instructors and speakers

6. Other General Expenses

- (b) payroll and payroll deductions
- (c) medicals
- (d) debenture payments
- (e) insurance claim settlements
- (f) grants to agencies
- (g) damage claims
- (h) tax remittances
- (i) property tax refunds
- (j) Workplace Safety and Insurance Board (WSIB) remittance
- (k) building permit refunds
- (l) employer compensation
- (m) development charges
- (n) donations, gifts or grants, even if recognition is received or if receipts are issued
- (o) licences (hardware, software, software maintenance, vehicles, elevators, radios)
- (p) charges to or from other public entities except for construction and/or maintenance projects
- (q) real estate acquisitions, including land, buildings, leasehold interests, easements, encroachments and licenses
- (r) items of a confidential nature
- (s) freight charges
- (t) charges to or from government legislated controlled agencies (e.g. - Technical Standards & Safety Association, Electrical Safety Authority, Liquor Control Board, Ontario Department of Fisheries, Ministry of Natural Resources, Toronto Region Conservation Authority)
- (u) original works of art

**CORPORATE SERVICES
PROCUREMENT SECTION**

SCHEDULE B – Exemptions

Items listed below are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.

A Purchase Order is to be issued for those procurements made under this Schedule B wherever possible.

(1) Employer's General Expenses

- (a) Insurance premiums.
- (b) Debt payments.
- (c) Grants, loans and levies.
- (d) Licenses (for example, vehicle, elevators, radios).
- (e) Real property payments including land, buildings, leasehold interests, easements, encroachments and licenses, or the like.
- (f) Insurance claims, legal settlements and grievance settlements. This exemption does not apply to the procurement for Goods to be replaced.
- (g) Adjusting services for the investigation of liability and property claims.
- (h) Binding orders, judgments or decisions of an arbitrator, tribunal or court. Given that these payments are mandatory, approval from the General Manager of the department which is funding the payment is required instead of the approvals set out in Policy # 2 – Approval Authority.
- (i) Refundable travel expenses.
- (j) Temporary staffing agencies and services.
- (k) Assessments and tools where positions and/or individuals are assessed for recruitment and selection purposes, including tools and assessments which would assist in the accommodation of individuals.
- (l) Payments required by Council approved compassionate programs.
- (m) Other employee related expenses, such as: memberships in professional organizations, staff attendance at seminars, workshops, courses, trade shows or conferences. This shall not include any training specifically designed for the City.

(2) Professional Services

- (a) Medical Professional Services.
- (b) Experts retained for the purposes of litigation.
- (c) Confidential Items (for example Forensic Audits).
- (d) Outside Legal Counsel on an individual file basis; however where the City Solicitor or the Director of Employee & Labour Relations proposes to provide multiple files in an area of law to select outside legal counsel for a defined period of time, a competitive procurement process is to be followed in accordance with the provisions of the Procurement Policy.
An annual report shall be issued to Council by the City Solicitor and the Director of Employee & Labour Relations detailing outside legal counsel pursuant to (2)(d).
- (e) Mediators and Arbitrators.