

**Green Line Program Team Report to
GREEN LINE BOARD
2021 February 18**

**ISC: UNRESTRICTED
Page 1 of 2
GLB2021-0240**

Green Line Conflict of Interest Protocol – Green Line Program

RECOMMENDATIONS:

1. The Green Line Board adopt and implement the Green Line Conflict of Interest Protocol for use by the Green Line Program.
2. Direct that the Closed Meeting presentation and discussions shall remain confidential pursuant to Sections 17 (personal privacy), 24 (advice from officials), and 27 (legal advice) of the *Freedom of Information and Protection of Privacy Act* (Alberta) (“FOIPP”) and such discussions shall remain permanently confidential pursuant to Sections 17 and 27 of FOIPP.

BACKGROUND

The law regarding Canadian procurement requires procuring authorities to carry out their procurements in a fair and transparent manner. The identification, review and resolution of conflicts of interest on major infrastructure projects is an important part of ensuring the fairness of a procurement process and building market confidence in a project. Accordingly, adoption of a conflict of interest protocol and its implementation are of paramount importance for the Green Line when dealing with potential conflict of interest issues for the Green Line Program.

To comply with Green Line’s obligations in regard to ensuring the fairness of Green Line’s procurement processes, the “Green Line Conflict of Interest Protocol” (the “Protocol”) (Attachment 1) has been updated.

DISCUSSION

The updated Protocol establishes the rules for identifying, disclosing, reviewing, resolving and reporting on potential, actual or perceived conflicts of interest, unfair advantage and bias encountered during the development and implementation of the Green Line Program, including as part of any procurement processes related to the acquisition of goods and services for the Green Line Project.

The primary objectives of the updated Protocol include:

1. compliance with the Green Line Program’s obligations in relation to internal policies, trade agreements, and case law in the management of conflicts of interest, including that resolutions or determinations of conflict of interest matters are best made by a person or persons having sufficient independence from the Green Line Program and The City of Calgary;
2. an emphasis on efficient processes that address and manage conflicts of interest in an expedited manner; and
3. a cost-effective process for management and resolution of conflicts of interest.

The updated Protocol achieves all of the above objectives.

**Green Line Program Team Report to
GREEN LINE BOARD
2021 February 18**

**ISC: UNRESTRICTED
Page 2 of 2
GLB2021-0240**

Green Line Conflict of Interest Protocol – Green Line Program

The Protocol

The updated Protocol replaces an internal committee of The City of Calgary with an independent adjudicator experienced in construction and public procurement processes for resolution of conflict of interest matters as they arise during the development and implementation of the Green Line Program.

When the adjudicator receives a request for a determination with sufficient facts to enable them to make a determination, the adjudicator will have five business days to issue a determination. The adjudicator's determination of the conflict of interest matter will be submitted both to the person who made the request, as well as to the Governance and HR Committee of the Green Line Board (the "Committee") for the Committee's information. An opportunity is provided to the person who submitted the original request to submit additional information and request a reconsideration from the adjudicator. If such a request is received, the adjudicator will reconsider the matter and submit their decision to the Committee. The Committee will oversee the fairness of the reconsideration process. If the Committee believes the decision is one that requires review and consideration by the full Board, it may refer the matter to the full Green Line Board for final determination.

The above is a fair and transparent process that allows for expedited resolution of conflict of interest matters by an adjudicator familiar with construction and public procurement processes and with a comprehensive understanding of the practical concerns that arise when addressing conflicts of interest in the infrastructure context.

Procurement Best Practices

The updated Protocol, which includes reliance on an independent adjudicator for resolution of conflict of interest issues, is consistent with procurement best practices in Canada. The adjudicator is independent of the Green Line Program and The City of Calgary, and the process allows for the resolution of conflicts of interest in an expedited and efficient manner while ensuring a cost effective and consistent approach.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

None.

IMPLICATIONS

No social, environmental, economic or financial implications.

RISK

The updated Protocol mitigates and manages risk related to conflicts of interest as they arise during procurements initiated by the Green Line Program.

ATTACHMENT(S)

1. Green Line Conflict of Interest Protocol