

# Justice and Solicitor General—Office of the Chief Medical Examiner—Contracting Transporters of Deceased Rural Albertans

## SUMMARY

When an Albertan in apparent good health dies unexpectedly, or in a violent or unexplained way, the Office of the Chief Medical Examiner (OCME) investigates the death. Sometimes, the investigation requires an examination of the body. In that case, the body is transported to medical examiners in Edmonton or Calgary. The OCME uses independent third-party service providers to transport bodies to these locations. We refer to any such company as a “transporter” in this report.

In 2012 the OCME wanted to ensure consistent service standards and payment practices for all transporters it used to transport bodies from rural Alberta. The OCME decided to pre-qualify rural transporters and enter into contracts with them to accomplish this, similar to the contract the department had with the transporter it used for these services in Edmonton and Calgary. Before then, there had only been contracts between the department and a few individual transporters to provide service for specifically defined rural areas.<sup>1</sup>

## What we examined

We examined whether the Department of Justice and Solicitor General had adequate systems to:

- develop the pre-qualification request and contracts for rural transporters
- enforce the terms and conditions of these contracts

## Overall conclusion

The department’s contracting process does not have clear and effective guidelines on:

- what information a program area, such as the OCME, must provide in a business case for an external services contract
- when a program area must create such a business case

Current guidelines on preparing business cases are undocumented and ambiguous. Without being given all the pertinent information, the department cannot properly evaluate whether the requesting program area has satisfactorily done all necessary due diligence in developing the best terms and conditions of service for a contract it wants prospective vendors to meet.

If the OCME continues to use non-contracted rural transporters in the normal course of business, it is compromising the department’s decision that all transporters be contracted. By not identifying circumstances in which the OCME may still need to use non-contracted vendors, the department may be putting itself at increased risk.

---

<sup>1</sup> For the purposes of this report we refer to any locations outside of metro Edmonton and Calgary as rural. In previous years, the OCME has used anywhere from 64 to 75 rural transporters throughout the year depending on number of deaths, their location and availability of service providers. Almost all of these transporters were not under contract.

## What we found

The department considers it best practice for a program area to prepare a business case for contracted services totalling more than \$75,000, but it otherwise has no specific guidelines on when a business case is required and what information it should include. The OCME did not prepare a business case to support its request for new contracts with rural body transporters, worth \$1.3 million. We found no documentation to explain why this occurred. The department based its approval on a five-page proposal form that had no details about why the OCME wanted a contract. The proposal form lacked information about what, if any, due diligence and planning the OCME had done in developing contractual terms and conditions it expected transporters to meet or what alternatives it had considered in light of identified risks and costs.

Many transporters were dissatisfied with the first posted contract because of a perceived lack of prior consultation by the OCME with industry in developing the contract's terms and conditions. Department staff subsequently spent considerable time and effort over several months dealing with transporters' concerns, and the department posted a second, revised contract on November 14, 2014.

Two years after the department decided all rural transporters had to be under contract, the OCME continues to use non-contracted transporters in the normal course of business—just over 29 per cent of transporters used by the OCME have yet to apply to be pre-qualified for a contract. The pre-qualification posting gives no specific date after which the OCME will use only pre-qualified and contracted transporters in the normal course of business. Neither does it set out circumstances in which the OCME may still need to use non-contracted vendors. The department did not determine a minimum number or appropriate geographical distribution of contracted rural transporters the OCME would need to effectively meet its regular operational needs and how long this would take to achieve.

## What needs to be done

The department needs to develop guidelines that clearly identify:

- when a program area must provide a business case to support a contract request
- what information must be included in a business case
- who can make a decision not to require a business case and in what circumstances, and what must be documented to support this decision

The department also needs to determine and include in a pre-qualification contract posting a date after which it will use only vetted and contracted vendors in the ordinary course of business. If there is no such date, and if it is not enforced, there is reduced incentive for businesses to apply to be approved. The department should also determine and include in the contract posting those circumstances in which it may need to use non-contracted vendors as required.

## Why this is important to Albertans

Albertans expect the department to show good business sense by ensuring it has obtained and considered all relevant information before approving and posting a contract for external goods or services. Good contracting processes reduce the risk of the department not getting the level or quality of service it wants. Albertans also expect the department to avoid any unnecessary legal risks and costs by identifying the circumstances permitting the continued use of non-contracted vendors after deciding that only contracted vendors should provide a service.

## AUDIT OBJECTIVE AND SCOPE

The objective of our audit was to assess whether the department had adequate processes in place to:

- develop the pre-qualification request and contracts for rural transporters
- enforce the terms and conditions of these contracts

We conducted our field work between July and October 2015, and we substantially completed our audit on May 27, 2016. Our audit was conducted in accordance with the *Auditor General Act* and the standards for assurance engagements set out in the CPA Canada Handbook—Assurance.

## BACKGROUND

The *Fatality Inquiries Act*<sup>2</sup> requires Alberta's OCME be notified of all deaths that occur under specific circumstances, such as when an Albertan in apparent good health dies unexpectedly or in a violent or unexplained way. The OCME shall conduct investigations of these deaths when required. An investigation may require either an external examination of the body or an autopsy. In 2015 there were approximately 20,000 deaths in Alberta; the OCME examined about 20 per cent of these. See Appendix A for examples of deaths set out in the Act requiring notification of a medical examiner<sup>3</sup> or investigator<sup>4</sup> and the purpose of investigating these deaths.

In Alberta, medical examiners work in department facilities in either Edmonton or Calgary. Therefore, whenever a body needs to be seen by a medical examiner, the body must be transported to one of these facilities. The OCME uses independent third-party service providers for the transportation. In the fiscal year 2015–2016 it paid just under \$1.8 million for these services, in rural and urban areas, out of its total authorized operating budget of \$12.3 million.

One particular transporter does all of the transporting within the metro Edmonton and metro Calgary areas under separate contracts with the department.<sup>5</sup> Each contract with this transporter includes a fee-for-service schedule and sets out various terms and conditions that the transporter must comply with, such as:

- employee criminal record checks
- 24/7/365 vehicle and staff availability
- dress and conduct of its employees when they attend the scene of a death
- type and mechanical condition of transport vehicles

In contrast, funeral homes located in the immediate area of the scene of death have historically transported bodies from rural Alberta. OCME investigators contact these businesses on an as-needed and rotating basis.<sup>6</sup> Although the department had previously contracted with some transporters to provide service for specifically defined rural areas, it had no existing contracts with most rural

<sup>2</sup> *Fatality Inquiries Act, RSA2000*, Chapter F-9.

<sup>3</sup> Medical examiners are physicians appointed by the minister under Section 7 of the *Fatality Inquiries Act*.

<sup>4</sup> Investigator refers to a medical examiner's investigator under Section 6 of the *Fatality Inquiries Act*, to a member of the RCMP, or to other Alberta police service or designated peace officer as set out in Section 9 of the Act.

<sup>5</sup> This company is not a funeral home and has had these contracts since 2008. It operates under two separate contracts: one for Edmonton and one for Calgary. The OCME considers the company's normal service area to be within an 80 kilometer radius of either city, although the company will pick up or transport a body anywhere within Alberta if requested by the OCME.

<sup>6</sup> Any person or company with the appropriate vehicles and other necessary equipment can transport bodies. There is no operational or statutory requirement that only a funeral home can make transports.

transporters. In the absence of contracts, the OCME paid these companies according to a fee schedule set out in Section 3 of the *Fatality Inquiries Regulation*<sup>7</sup> (see Appendix B). There were no documented terms and conditions of service that rural transporters were required to follow.

## FINDINGS AND RECOMMENDATIONS

### Lack of guidelines on when a business case is needed

#### BACKGROUND

In 2012 the then Chief Medical Examiner began the process to develop a standard contract for transporters based in rural areas. The overall goal was to establish documented service and conduct standards for rural transporters that would be similar to the standards in the existing contracts with the transporter for metro Edmonton and metro Calgary. The OCME identified the need for such standards after receiving complaints about the on-scene performance of some rural companies' employees, including inappropriate behaviour, unprofessional attire and mechanical problems with vehicles. The Regulation does not include any such standards.

Another reason for creating a contract was to ensure consistent payment practices by defining what constituted a transport route and how often businesses could charge the fixed initial fee set out in the Regulation. While the legislation specifies mileage-based fixed and variable rates<sup>8</sup> for transporting bodies, it says nothing about how these are applied or about the definition of a transport route. There were consequently differences in opinion between the OCME and some rural transporters over whether a transport could be broken into stages (depending on travel interruptions) with the fixed rate charged at the beginning of each stage, or whether the charge should be applied just once per transport job.

The OCME decided the best way to ensure transporters met the office's expectations was to develop a contract for rural transporters, similar to what it had for its urban transporter. A pre-qualification request<sup>9</sup> was issued, since no one rural business would be exclusively contracted with or guaranteed a minimum amount of work. The OCME expected to have enough vetted and pre-qualified contractors to be able to call on when needed.

#### RECOMMENDATION 1: DEVELOP GUIDELINES FOR CONTRACT REQUESTS

We recommend that the Department of Justice and Solicitor General develop guidelines that clearly identify:

- when a program area must provide a business case to support a contract request and what information must be included
- who can make a decision not to require a business case and in what circumstances, and what must be documented to support this decision

#### CRITERIA: THE STANDARDS FOR OUR AUDIT

The department should have processes to:

- develop and approve contract requests for body transportation, including adequate oversight and vetting by the procurement unit, the contract review committee and legal services
- invite feedback from transporters on any concerns they have with the proposed contract

<sup>7</sup> *Fatality Inquiries Regulation, Alberta Regulation 65/2000*, with amendments up to and including *Alberta Regulation 170/2012*.

<sup>8</sup> Currently a maximum of \$300 per vehicle for the first 20 kilometres and a maximum variable rate of \$1.13 per kilometre thereafter.

<sup>9</sup> A pre-qualification request is in contrast to a request for proposals, where a number of vendors competitively bid for a contract to exclusively provide an identified product or service.

## OUR AUDIT FINDINGS

### KEY FINDINGS

- The OCME did not prepare a business case to support its contract request since the department has no mandatory guidelines on when a business case is required. The department considers it a best practice to make a business case for contracting services worth more than a certain threshold. However, we found no documentation to explain why the department did not require a business case for its contract with transporters, even though the services amounted to over 10 times that threshold.
- The only document we found on which the department's contract review committee based its approval was a contract proposal form that contained no details or supporting information from the OCME.
- The lack of a business case meant the review committee approved the OCME's contract request without being fully informed.
- Many vendors were dissatisfied with the first posted contract because of a perceived lack of prior consultation by the OCME with industry about the terms and conditions of the contract. After spending considerable time and effort over several months addressing vendors' concerns, department staff created and posted a second, revised contract.

### No evidence the department considered other alternatives

Rather than the OCME entering into contracts with transporters, the department could have sought an amendment to the Regulation to include the OCME's requirements for transporters. Contracts would then not have been needed, since transporters are obliged to follow the Regulation. However, we found no evidence the OCME or department considered this or other alternatives.

### No documentation as to why a business case was not made

The department requires a business case for any contract over a certain threshold, which was \$100,000 at the time the OCME made its request for a contract.<sup>10</sup> The department views this requirement as a best practice, but it has no guidelines on situations where it would be mandatory, or even beneficial, to provide a business case. There are also no guidelines on what information should be included in a business case.

The OCME represented the cumulative value of the rural transport contracts at \$1.3 million on its contract proposal form.<sup>11</sup> We found no documentation to explain why the department did not require the OCME to complete a supporting business case. On the proposal form itself, alongside the line specifying whether a business case had been completed, there was simply one word—No.

The five-page contract proposal form, approved on November 7, 2013,<sup>12</sup> was the only document we found on which the department's contract review committee based its approval. The only case the document makes to justify the contract is a high-level narrative on the first page, setting out the need in very general terms rather than in any detail. It contains no reference to the service complaints made against some rural transporters, nor does it mention the OCME's concerns with how some businesses billed the fixed rate component of the fee. Neither does the minutes from the meeting, where the contract review committee discussed OCME body removal contracts, make reference to these service complaints or billing concerns.

<sup>10</sup> The threshold is now \$75,000.

<sup>11</sup> This is approximately what the OCME paid to 70 rural based businesses in 2012–2013 to transport bodies.

<sup>12</sup> The department's procurement guidelines require that contracts for services greater than \$50,000 go to the contract review committee for approval. The committee includes representatives from the department's procurement unit, financial services and legal services.

### Importance of a business case

The lack of a business case meant the review committee approved the OCME's contract request without being fully informed.

In general, a business case would clearly document to the review committee why a contract is necessary. It would also help them better evaluate whether the requesting program area has done all appropriate due diligence and planning in developing the terms and conditions of service it wants in the contract.

A business case should document what, if any, preliminary discussions took place with vendors about proposed contractual terms and conditions of service, as well as vendors' responses. Such documentation is important when staff on the review committee may be unfamiliar with the logistical and operational aspects of the needed service, particularly regarding the large distances bodies have to be transported. Furthermore, in this situation the OCME was proposing to fundamentally change a long-standing informal business relationship. Businesses seeking to qualify for a contract would have incurred new up front costs in meeting the office's proposed changes, even though the contract offered no guarantee of work.<sup>13</sup> We would expect, at a minimum, the department would want to know what the service providers' expected reactions would be to the proposed contract before finalizing and approving it.

The information contained in a business case would also benefit other areas of the department involved in developing contracts, such as the procurement unit and legal services. After the review committee's approval, these areas work with the initiating program area to ensure the contract's wording meets applicable Government of Alberta and department standards, and clearly sets out the terms and conditions the program area requires prospective vendors to meet.

See Appendix C for relevant information that we expected would have been included by the OCME in a business case, had one been made. We have based this on business case and development guidelines as set out in the Government of Alberta Procurement Accountability Framework Manual, since the department does not have its own specific guidelines.

### Significant negative reaction from transporters to the first posted contract

The department posted an approved contract on the Alberta Purchasing Connection website on March 10, 2014.<sup>14</sup> Shortly after the posting, there was a significant negative reaction from a number of rural funeral home operators. The primary concern was that the OCME had not consulted with the industry about the contract and the conditions, and requirements transporters now had to meet. The largest association of funeral service providers<sup>15</sup> passed a motion at its April 2014 annual general meeting to reject the contract. Fifty funeral home operators sent letters to the OCME, through the association, stating they would not sign the contract. Some individual businesses also complained directly to their local Members of the Legislative Assembly, who in turn forwarded these concerns to the then Minister of Justice.

---

<sup>13</sup> The costs for required employee criminal record checks and mechanical inspections are borne by businesses applying for approval.

<sup>14</sup> <http://www.purchasingconnection.ca/>

<sup>15</sup> Largest by membership; for more information see <http://www.afsa.ca/>.

There were a number of outcomes from this reaction:

- the then Minister of Justice and other senior department officials met with association representatives to hear members' concerns
- several working sessions between senior department management, the OCME, the procurement unit and industry representatives were held, at which the parties discussed and agreed to revisions to the contract's terms and conditions
- the department replaced the first contract with a second, revised contract on November 14, 2014.<sup>16</sup> The revised contract came after five individual contracts had been signed with rural transporters under the terms of the initial posting.<sup>17</sup>

A satisfactory business case would have helped the OCME identify the transporters' concerns beforehand. Instead, various department staff had to spend considerable time and effort over several months to listen to and deal with the concerns.

### IMPLICATIONS AND RISKS IF RECOMMENDATION NOT IMPLEMENTED

If the department posts a contract for external services without taking all appropriate steps beforehand to assess if its terms and conditions are appropriate and reasonable, there is increased risk of disinterest or rejection by the target vendor community. This increased risk could negatively impact the department's ability to economically obtain the needed quality and level of service.

## Continued use of non-contracted rural transporters

### BACKGROUND

An evaluation team from the OCME assesses a transporter's contract submission. Once the applicant meets all required criteria in the posted pre-qualification request document, the procurement unit completes the actual contract for signing by the department's and applicant's representatives. Submissions with shortcomings are returned and will be processed further only once the applicant has made the necessary corrections.

The use of some non-contracted transporters in the normal course of business was to continue until enough vetted and qualified transporters were in place, since the OCME still needed the capability to have rural bodies transported to its Edmonton and Calgary facilities.

### RECOMMENDATION 2: DETERMINE WHEN CONTRACTED VENDORS WILL BE USED

We recommend that the Department of Justice and Solicitor General determine and include as part of its pre-qualification contract posting process:

- a date after which only vetted and contracted vendors are eligible to provide services in the normal course of business
- circumstances in which it may need to use non-contracted vendors

### CRITERIA: THE STANDARDS FOR OUR AUDIT

The department should have processes to ensure:

- all body transportation contracts are signed and vendors adhere to all terms and conditions
- it uses only contracted vendors for transporting bodies

<sup>16</sup> <http://vendor.purchasingconnection.ca/Opportunity.aspx?Guid=0BDEEF32-3AE7-464A-B7EF-9B4D2D318D00&>

<sup>17</sup> The department replaced these contracts with the revised second contract and its associated terms and conditions.

## OUR AUDIT FINDINGS

### KEY FINDINGS

- Two years after the department decided rural transporters needed to be under contract, just over 29 per cent of vendors the OCME continues to use for transports to its facilities have yet to apply to be vetted for a contract.
- The department did not determine a minimum number or appropriate geographical distribution of contracted rural transporters the OCME would need to effectively meet its regular day-to-day operational needs, nor how long it would take to achieve such a minimum.
- The contract posting did not include a date after which only pre-qualified contracted rural transporters would be used in the normal course of business. There is, therefore, reduced incentive for some transporters to apply for approval.
- The contract posting does not identify and set out circumstances when non-contracted vendors may still need to be used as required.

### Non-contracted transporters still used

As of April 2016, two years after deciding rural transporters needed to be under contract, the department had approved or signed contracts with 22 transporters. These 22 included five contracts signed with funeral home operators under the original March 2014 posting. An additional 26 transporters had submitted applications, which were in various stages of evaluation while the applicants corrected deficiencies.

The following chart shows the breakdown for the 51 businesses used by the OCME to transport deceased persons in rural Alberta to its facilities in the fiscal year 2015–2016.<sup>18</sup>

### Rural Transporters Used



<sup>18</sup> This number only takes into account transporters contacted by OCME investigators to bring bodies to the Edmonton and Calgary facilities. After the OCME is finished its investigation, families may choose to make their own arrangements for transportation of the deceased, which may include using transporters not under contract with the OCME. Also, the totals in the chart shown for transporters used under contract or submitted applications are not the same as those shown as of April 2016, since vendors are only used as needed.

### No cut-off date identified in the contract posting

One reason some vendors have not submitted applications is that the department permits the OCME to continue using them for transports to its facilities in the normal course of business, whether or not they are under contract.

There is nothing in the contract posting on the Alberta Purchasing Connection website stating that after a specific date, the OCME will use only pre-qualified and contracted vendors in the normal course of business for rural body transports. The only timelines set out in the posting are in the schedule of events. These are:

- an evaluation of an applicant's initial submission will be completed within two weeks of it being received
- notification of conditional acceptance of submission to be made one week after the response is evaluated

The department did not determine a minimum number of contracted rural transporters the OCME would need to effectively meet its day-to-day regular operational needs, nor how long it would take to achieve such a minimum. One way to help determine a minimum is through a business case, with an appropriate risk assessment and mitigation plan component, as referenced in Appendix C.

Without the department determining and including in its contract posting a date after which the OCME will only use pre-qualified and contracted rural transporters in the normal course of business, there is reduced incentive for transporters to seek to become approved.

### Identify circumstances when non-contracted vendors may be used

There may be circumstances, such as a mass fatality or a body requiring transport from an isolated rural location, when the OCME may be unable to use only contracted vendors. The department should clearly identify in the contract posting what these circumstances are and articulate they are acceptable exceptions to the use of contracted vendors. The current posting does not address this.

### IMPLICATIONS AND RISKS IF RECOMMENDATION NOT IMPLEMENTED

By continuing to use non-contracted transporters in the normal course of business and not identifying circumstances in which they may appropriately be used, the department may be putting itself at increased risk.



## CRITERIA FOR REPORTING AND INVESTIGATION OF DEATHS AS SET OUT IN THE FATALITY INQUIRIES ACT

Fatality Inquiries Act  
RSA 2000 – Chapter F-9

### Reporting of deaths as required by the Act

#### Deaths that require notification

##### Section 10

(1) Any person having knowledge or reason to believe that a person has died under any of the circumstances referred to in Subsection (2) or Section 11, 12 or 13 shall immediately notify a medical examiner or an investigator.

(2) Deaths that occur under any of the following circumstances require notification under Subsection (1):

- (a) deaths that occur unexplainably;
- (b) deaths that occur unexpectedly when the deceased was in apparent good health;
- (c) deaths that occur as the result of violence, accident or suicide;
- (d) maternal deaths that occur during or following pregnancy and that might reasonably be related to pregnancy;
- (e) deaths that may have occurred as the result of improper or negligent treatment by any person;
- (f) deaths that occur
  - (i) during an operative procedure,
  - (ii) within 10 days after an operative procedure,
  - (iii) while under anesthesia, or
  - (iv) any time after anesthesia and that may reasonably be attributed to that anesthesia;
- (g) deaths that are the result of poisoning;
- (h) deaths that occur while the deceased person was not under the care of a physician;
- (i) deaths that occur while the deceased person was in the custody of a peace officer or as a result of the use of force by a peace officer while on duty;
- (j) deaths that are due to
  - (i) any disease or ill-health contracted or incurred by the deceased,
  - (ii) any injury sustained by the deceased, or
  - (iii) any toxic substance introduced into the deceased, as a direct result of the deceased's employment or occupation or in the course of one or more of the deceased's former employments or occupations.

RSA 1980 cF-6 s10;1984 c9 s1;1991 c21 s9;1999 c26 s9

**Notification of death of a prisoner****Section 11**

If a person dies while

- (a) detained in a correctional institution as defined in the *Corrections Act* or a jail, including a military guard room, remand centre, penitentiary, secure services facility as defined in the *Child, Youth and Family Enhancement Act*, facility or place designated as a place of open or secure custody pursuant to the *Youth Criminal Justice Act (Canada)*, detention centre or a place where a person is held under a warrant of a judge,
  - (b) a formal patient in any facility as defined by the *Mental Health Act*, or
  - (c) an inmate or patient in any institution specified in the regulations, the person in charge of that institution, jail, facility or other place shall immediately notify a medical examiner.
- RSA 2000 cF-9 s11; 2003 c16 s117; 2003 c41 s4(32)

**Notification of death of prisoner not in custody****Section 12**

If a person dies while

- (a) committed to a correctional institution as defined in the *Corrections Act* or a jail, including a military guard room, remand centre, penitentiary, secure services facility as defined in the *Child, Youth and Family Enhancement Act*, facility or place designated as a place of open or secure custody pursuant to the *Youth Criminal Justice Act (Canada)*, detention centre or a place where a person is held under a warrant of a judge,
  - (b) a formal patient in any facility as defined by the *Mental Health Act*, or
  - (c) an inmate or patient in any institution specified in the regulations, but while not on the premises or in actual custody of that facility or institution, jail or other place, the person in charge of that facility or institution, jail or other place, shall, immediately on receiving notice of the death, notify a medical examiner.
- RSA 2000 cF-9 s12; 2003 c16 s117; 2003 c41 s4(32)

**Notification of death of child****Section 13**

A director under the *Child, Youth and Family Enhancement Act* shall immediately notify a medical examiner of the death of any child under the director's guardianship or in the director's custody.

RSA 2000 cF-9 s13; 2003 c16 s117

## Death investigations

### Duties of medical examiner

#### Section 19

(1) If a medical examiner receives notification of a death and is satisfied that the death occurred under any of the circumstances referred to in Section 10, 11, 12, 13 or 17, the medical examiner shall investigate the death and establish where possible

- (a) the identity of the deceased,
- (b) the date, time and place of death,
- (c) the circumstances under which the death occurred,
- (d) the cause of death, and
- (e) the manner of death.

(1.1) Where the Minister makes an order under Section 14.1, the Chief Medical Examiner shall, in investigating the death, establish, where possible, the matters set out in Subsection (1).

(2) Notwithstanding Subsection (1), when a medical examiner is unable to investigate a death of which the medical examiner receives notification, the medical examiner shall

- (a) notify another medical examiner if the death occurred under any of the circumstances referred to in Section 10, 11, 12, 13 or 17, and
- (b) keep a record of the death including the reasons why the death was not investigated by the medical examiner.

(3) A medical examiner shall keep a record of all deaths of which the medical examiner is notified pursuant to this Act or the *Vital Statistics Act* and shall immediately report to the Chief Medical Examiner all investigations that the medical examiner or an investigator under the medical examiner's supervision make into a death.

(4) When a medical examiner has investigated a death and has determined the manner of death and the cause of death, the medical examiner shall immediately, in addition to making a report under Subsection (3) complete a medical certificate of death in accordance with the *Vital Statistics Act*.

(5) Notwithstanding Subsection (1), a medical examiner is not required to investigate a death that occurred through natural causes or in the circumstances described in Section 10(2)(f)(i) or (ii) if

- (a) a physician is able to certify the information in Subsection (6)(a) to (e), and
- (b) the medical examiner is satisfied that an investigation is not required.

(6) A medical examiner who does not investigate a death under Subsection (5) shall, based on information provided by the physician, record

- (a) the identity of the deceased;
- (b) the date, time and place of death;
- (c) the circumstances under which the death occurred;
- (d) the cause of death;
- (e) the manner of death;
- (f) the name of the physician who provided the information.

(7) If a medical examiner does not conduct an investigation under Subsection (5), the physician is authorized to complete and sign the medical certificate of death referred to in Section 33 of the *Vital Statistics Act*.

RSA 2000 cF-9 s19;2005 c11 s3;2007 cV-4.1 s83

#### **Investigation or autopsy**

##### **Section 20**

The Chief Medical Examiner may at any time

- (a) direct a medical examiner to make an investigation into any death at any place in Alberta, or
- (b) authorize an autopsy of the body of any person who died under the circumstances described in Section 10, 11, 12 or 13.

RSA 1980 cF-6 s21

## SCHEDULE OF FEES FOR BODY TRANSPORTATION AS SET OUT IN FATALITY INQUIRIES REGULATION

### Schedule Fees

#### Section 3

(1) The fee payable to a person who transports a body is up to \$300 per vehicle for the first 20 kilometres and up to \$1.13 a kilometre thereafter for transportation and attendant services.

(2) In addition to the fees payable under Subsection (1), a person who transports a body that is in an infested, putrid or dismembered state may be paid up to \$26 in respect of that body.

(3) Where authorized in writing by a medical examiner or an investigator, a fee for waiting time in excess of one hour may be paid at a rate of up to \$41 per hour for the 2nd, 3rd and 4th hours to a person who transports a body.

(4) No fee is payable with respect to waiting time in excess of 4 hours.

(5) A person who transports more than one body in a vehicle must, in addition to the fees prescribed in Subsection (1), be paid a fee of \$41 for each additional body transported in the vehicle, but in that case the person may not be paid any fees under Subsections (2) and (3) for each additional body transported.

(6) If the autopsy or examination is performed at a place other than where the death occurred, payment per kilometre for transporting the body may only be made in respect of transporting the body

(a) from the place where the death occurred to the place where the autopsy or examination is performed, and

(b) from the place where the autopsy or examination is performed back to the place where the death occurred.



## INFORMATION THAT SHOULD HAVE BEEN INCLUDED BY THE OFFICE OF THE CHIEF MEDICAL EXAMINER IN A BUSINESS CASE

### Information that should have been included in a business case

The OCME did not provide a business case in its request for a contract with transporters. As set out in the Government of Alberta's Procurement Accountability Framework Manual,<sup>19</sup> a business case for a contract should include:

- a clear description of the need for the contract
- evidence of stakeholder consultation
- risk assessment and mitigation plans
- a financial analysis

### Clear description of the need for a contract

Two of the OCME's primary reasons for a contract were to:

- establish service standards following complaints about the behaviour of some companies' employees when attending the scene of a death
- define what constituted a transport route and how often businesses could charge the fixed initial fee throughout a transportation

However, the OCME did not document any details of these alleged complaints or what remedial action it had taken with specific transporters. It also had no documented examples of invoices where it and the transporter disagreed about the billing, or any financial analysis to show how these practices were impacting its budget.

### Stakeholder consultation

The OCME did not meet with or seek feedback from the business community before developing the terms and conditions of service it put in the first contract and did not document its reasons why. The Accountability Framework Manual leaves it to the discretion of the program area to decide whether to do this; however, consultation with transporters would have helped the OCME and the department assess how resistant rural transporters were to formalizing a long-standing informal business relationship.

The OCME was proposing to significantly change the engagement process and introduce mandatory terms and conditions of service, including how it would define and pay for transport. The changes were to include specific stipulations as to:

- condition, type and age of vehicles
- on-scene responder dress
- specifying certain prohibited activities
- requirements for employee criminal records checks

Meeting some of these requirements would require new up front costs for businesses to be able to qualify for and sign a contract, even though the contract offered no guarantee of work.

---

<sup>19</sup> The manual has an entire appendix devoted to business case development and content guidelines, although it does not specify when to create a business case.

### Risk assessment and mitigation plans

The OCME did not evaluate how feasible alternative transport strategies would be if it could not get enough qualified, contracted transporters in some rural regions. One alternative available to the OCME was to use its existing contracted urban transport company. However, each alternative would have its own risks that would need assessing, including:

- how much longer it would take a non-local transporter to arrive and remove a body from a scene, and what increased costs there would be to the OCME if alternative transporters had to travel longer distances or incorporate more round trips into an engagement (no associated costing models were prepared)
- how much longer other first responders, such as police and fire crews, would have to wait on-scene

### Financial analysis

The OCME did not prepare any financial analysis to show how existing transporter billing practices were negatively impacting its budget, what savings it would get from the new contract or any costing models associated to alternative transport strategies.