



Report to: General Committee

Meeting Date: April 26, 2021

SUBJECT: 274-R-20 Integrity Commissioner Services for City Council
PREPARED BY: Martha Pettit, Deputy City Clerk, Ext. 8220
Darius Chung, Senior Buyer, Ext. 2025

RECOMMENDATION:

1. That the report entitled “274-R-20 Integrity Commissioner Services for City Council” be received; and,
2. That the contract for 274-R-20 Integrity Commissioner Services for City Council be awarded to the highest ranked/lowest priced bidder, ADR Chambers Inc. for a term of five (5) years in an annual retainer amount of \$17,299.20 inclusive of HST; and,
 - July 2021-June 2022 - \$17,299.20
 - July 2022-June 2023 - \$17,299.20
 - July 2023-June 2024 - \$17,299.20
 - July 2024-June 2025 - \$17,299.20
 - July 2025-June 2026 - \$17,299.20
 - Total \$86,496.00**
3. That staff be authorized to issue an additional purchase order to ADR Chambers Inc. in an annual amount of \$6,023.80 to be utilized for investigations, additional meetings, workshops, and presentations on an as required basis; and,
4. That the contract include an option for the City (in its sole discretion) to extend the contract for up to five (5) one (1) year terms, subject to a CPI increase (all-item Ontario) to a maximum of 2%; and,
5. That the Commissioner, Corporate Services be authorized to exercise this option to extend the contract for such additional one (1) year terms on behalf of the City and execute any required documentation in a form satisfactory to the City Solicitor; and,
6. That the contract be funded from the 840-841-7899 (Integrity Commissioner) in the amount of \$23,323.00 (\$17,299.00 + \$6,023.80) and any future years be subject to Council approval of the annual operating budget; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain approval to award the contract for Integrity Commissioner Services for City Council for a term of five (5) years, with the option to renew for five (5) additional one-year periods.

BACKGROUND:

The Integrity Commissioner will provide services in accordance with section 223.3 of the *Municipal Act*, 2001, S.O. 2001 c.25 (the “*Municipal Act*, 2001”), which enables a municipality to appoint an integrity commissioner to perform functions related to the application of Council’s Code of Conduct, any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards, and the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M. 50 (the “MCIA”). These services include the following duties and responsibilities:

- Assess and conduct investigations regarding alleged breaches of the Council Code of Conduct and the MCIA;
- Provide information to Council and local boards as to their obligations under the Code of Conduct and the MCIA;
- Provide advice to individual members of Council and local boards regarding specific situations as they relate to the application of the Code of Conduct and the MCIA;
- Provide advice to members of Council and local boards on rules, policies and procedures that relate to the ethical behavior of members;
- Provide information to the public regarding the Council Code of Conduct and the MCIA as well as the obligations of members of Council and local boards thereunder;
- Meeting services at the request of Council (including educational presentations and workshops);
- Provide Council and the City Clerk with an annual report on findings in complaint cases and advice provided for the preceding year.

BID INFORMATION:

Bid closed on	February 5, 2021
Number picking up bid document	6
Number responding to bid	3

PROPOSAL EVALUATION:

The Evaluation Team was comprised of staff from Corporate Services, Legal Services, and staff from the Procurement Department, acting as the evaluation facilitator.

The evaluation was based on pre-established evaluation criteria as outlined in the Request for Proposal: Qualifications and Experience of the Firm 30%, Project Delivery and Performance Measures 40%, and Price 30%, for a total of 100% with the resulting score as noted below.

Bidder	Total Score (100 points)
ADR Chambers Inc.	97

ADR Chambers Inc. was the highest ranked, lowest priced bidder. In addition to scoring highest on their technical submission, they also have demonstrated experience having served as the City’s Integrity Commissioner from 2013 to the present.

ADR Chambers Inc. offers a roster of professionals who can provide the City with the required expertise and flexibility to perform the functions of the Integrity Commissioner. Charles Harnick will serve as the City’s Integrity Commissioner, supported by other panel members with extensive experience in conducting investigations, including municipal matters. Mr. Harnick has over 40 years of experience and is the Integrity Commissioner

for the Municipality of Leamington, City of Kawartha Lakes, Town of Grimsby, and Haldimand County. Deborah C. Anschell and Marvin J. Huberman who are also commissioned have similar background experience and are Integrity Commissioners for The City of Timmins, City of Waterloo, Town of Georgina, and City of Brantford.

The bid prices ranged from the lowest at \$86,496.00 to the highest at \$127,200.00 inclusive of HST for the first five year term.

FINANCIAL CONSIDERATIONS:

Recommended bidder	ADR Chambers Inc. (highest ranked / lowest priced bidder)	
Current annual budget available	\$ 23,323.00	840-841-7899 (Integrity Commissioner)
Less cost of award	\$ 17,299.20 \$ 17,299.20 \$ 17,299.20 \$ 17,299.20 \$ 17,299.20 \$ 17,645.18 \$ 17,998.09 \$ 18,358.05 \$ 18,725.21 <u>\$ 19,099.71</u> \$178,322.25	July 1, 2021 – June 30, 2022 July 1, 2022 – June 30, 2023 July 1, 2023 – June 30, 2024 July 1, 2024 – June 30, 2025 July 1, 2025 – June 30, 2026 July 1, 2026 – June 30, 2027 July 1, 2027 – June 30, 2028 July 1, 2028 – June 30, 2029 July 1, 2029 – June 30, 2030 July 1, 2030 – June 30, 2031 Total cost of award (Inclusive of HST)
Budget remaining after this award	\$6,023.80	

The remaining balance of \$6,023.80 will be utilized for investigations, additional meetings, workshops, and presentations, as required.

The 2022-2031 award amount is subject to Council approval of the annual operating budget. The initial contract term of five years (July 1, 2021 – June 30, 2025) will be at the same annual retainer fee of \$17,299.20 and hourly rate of \$284.90 (inclusive of HST) for official investigations/claims and advisory services.

Optional renewal years (2025-2031) will be subject to a CPI increase (all-items Ontario) to a maximum of 2%.

OPTIONS AND DISCUSSIONS:

The Integrity Commissioner is responsible for maintaining high ethical standards and thus requires a high level of experience and knowledge pertaining to the application of municipal Codes of Conduct, the MCIA and the *Municipal Act, 2001*. A high level of flexibility and sufficient resources are also required to ensure that the Integrity Commissioner is available as required and that responses are timely.

ADR Chambers Inc. provides a high level of experience and technical expertise while also having a number of dedicated personnel that can serve as Integrity Commissioner. Furthermore, the City will have access to numerous resources and value-added services offered including:

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- Full-time staff who are available during office hours to act as the liaison between the City and the Integrity Commissioner;
 - All reports are subject to a dual review. Two reviewers read each report as part of a quality control process to ensure that the report meets appropriate standards and that the facts and analysis support the conclusion or recommendation. This dual review is also included in the annual retainer;
 - Over 20 Associate Investigators beyond the proposed investigators who are able to fill in if necessary;
 - Expert panel of approximately 60 experienced neutrals; and
 - Training Materials are provided free of charge with all educational workshops provided by the Integrity Commissioner.

Comparing the bid submission with the original contract with ADR Chambers Inc. signed in 2013, the annual retainer fee has been reduced from \$20,352/year to \$17,299.20/year while the hourly rates for official investigations/claims made are reduced from \$508.80/hour to \$284.90/hour.

OPERATING BUDGET AND LIFE CYCLE IMPACT

There is no impact to the operating budget.

ENVIRONMENTAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Comments from Clerks & Finance have been incorporated into this report.

RECOMMENDED BY:

Kimberley Kitteringham
Director, Legislative Services & Communications

Trinela Cane,
Commissioner, Corporate Services