



Report to: General Committee

Date Report Authored: May 21, 2013

SUBJECT:	Request for Proposal 003-R-13 for Integrity Commissioner Services
PREPARED BY:	Martha Pettit, Deputy Clerk ext. 8220 Carlie Turpin, Legislative Coordinator ext. 2082

RECOMMENDATION:

- 1) THAT the report entitled “Request for Proposal 003-R-13 for Integrity Commissioner Services for Council” be received; and,
- 2) THAT the contract for Integrity Commissioner Services for Council be awarded to ADR Chambers Inc. in an annual retainer amount of \$20,710 (inclusive of HST) and additional services; and,
- 3) THAT the contract be awarded for an initial term of one year with the option to renew for up to five (5) additional one (1) year terms; and,
- 4) THAT Staff be authorized to bring forward a by-law for Council’s consideration to appoint ADR Chambers Inc., and to fulfill the role of Integrity Commissioner; and,
- 5) THAT the retainer fee of \$10,355 (inclusive of HST) for the period from July to December 2013 and one time training cost of \$1,526 be funded from the existing Operating Budget account 840-841-7849 (Corporate Contingency); and,
- 6) THAT Staff be authorized to monitor the 2013 expenses and any necessary adjustments will be considered as part of the 2014 Operating Budget process; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To receive Council authorization to award the contract to, ADR Chambers Inc. for the provision of Integrity Commissioner Services reporting directly to City Council.

BACKGROUND:

At the November 20, 2012 Council approved the following recommendation: *“That Staff be authorized to proceed with the recruitment of an Integrity Commissioner, on a retainer basis, using the recruitment model detailed in this report”*.

The Integrity Commissioner will provide services in accordance with the Municipal Act, 2001 related to (but not limited to) the following duties and responsibilities:

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- Conducting investigations regarding alleged breaches of the Code of Conduct;
 - Providing information to Council as to their obligations under the Code of Conduct;
 - Providing advice to individual members regarding specific situations as they relate to the application of the Code of Conduct;
 - Providing advice to Council on other policies and procedures that relate to the ethical behaviour of Members of Council;
 - Providing general advice on conflict of interest issues to Members of Council noting that this advice may not be used in defence of allegations related to conflict of interest;
 - Providing information to the public regarding the Code of Conduct and the obligations of Members of Council under the Code;
 - Providing an annual report to Council on the activities of the Integrity Commissioner.

OPTIONS/ DISCUSSION:

The recruitment model consisted of a fixed fee component (retainer) and a variable fee component based on the frequency of services required.

Bid Information

Staff released to the marketplace a Request for Proposal 003-R-13 for Integrity Commissioner Services for Council (reporting to City Council). The contract is for an initial term of one year upon the award of the contract, with the option to renew for up to five (5) additional one (1) terms on the same terms and conditions with mutually agreed upon pricing.

Advertised, place and date	ETN
Tender closing date	February 20, 2012
Number of contractors picking up tender documents	13
Number of contractors responding to tender	3

A total of three proponents responded to the Request for Proposal.

Proposal Evaluation

The evaluation team was comprised of Staff from Corporate Services, Human Resources and Legal Services, with Purchasing staff acting as the facilitator. The evaluation was based on the following pre-established evaluation criteria listed in the Request for Proposal: 35% adjudication qualification; 20 % advisory and educational experience; 25% proposal; and 20% price (totaling 100%). The resulting scores were as follows:

Bidder	Total Score	Rank
ADR Chambers Inc.	66	1
Robert Swayze	55	2
EthicScan Canada Ltd.	41	3

After a thorough review of the proposals it was determined that ADR Chambers Inc. received the highest ranking and was the second lowest priced bidder. They were then

invited to attend an interview with the Interview Selection Panel on Wednesday March 13, 2013. Following the first interview, ADR Chambers Inc. was invited back to attend a second interview with the Interview Selection Panel and the Chief Administrative Officer on Monday April 29, 2013.

ADR Chambers Inc. has a panel of dispute resolution experts who provide dispute resolution and investigation services, with extensive experience in the municipal sector. The Honourable Donald R. Cameron will serve as Markham's Integrity Commissioner. Justice Cameron is an investigator, mediator and arbitrator who was appointed to the Superior Court of Justice in 1995. He has also served as the City of Brampton's Integrity Commissioner since 2011. Under the ADR Chambers Inc. proposal, Justice Cameron will be assisted in his investigations by Rand A. Pepper and Richard H. Krempulec, both of whom have served as investigators, mediators and arbitrators for a number of ADR Chambers Inc. investigations. They are also both former litigators with extensive arbitration and mediation experience. General inquiries and administrative tasks will be managed by Alan Stitt, President, ADR Chambers Inc. Mr. Stitt is a skilled mediator, arbitrator, negotiator and consultant, as well as an Adjunct Professor at the University of Toronto Law School.

ADR Chambers Inc. has demonstrated that they possess, for the role of Integrity Commissioner, the required credentials, experience and understanding of Markham's requirements. Based on the responses received from the reference checks, ADR Chambers Inc. provides quality work, good customer service and good investigation turnaround time.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Under the proposed contract with ADR Chambers Inc. Staff negotiated an annual retainer in the amount of \$20,710 (inclusive of HST) for the period of July 2013 to June 2014, invoiced monthly. The retainer fee will include the review and feedback of the City's draft Code of Conduct. Staff also negotiated with ADR Chambers Inc. to conduct a training session for Council members for a flat fee of \$1,526 (inclusive of HST). Any additional services, including investigations and reports, will be charged at an hourly rate of \$509 (inclusive of HST).

The portion of the annual retainer fee in the amount of \$10,335 (inclusive of HST) and the training in the amount of \$1,526 (inclusive of HST) will be billed to the City in 2013, and any additional services required during 2013 will be funded from the existing approved operating budget and charged to account 840-841-7849 (Corporate Contingency). Staff will monitor the 2013 expenses and the 2014 retainer fee and costs for additional services will be considered as part of the 2014 Operating Budget process.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The hiring of an Integrity Commissioner aligns with providing excellence in municipal services by supporting accountability and transparency in the Council decision making process.

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance

RECOMMENDED BY:

20/06/2013

20/06/2013

X



Kimberley Kitteringham
City Clerk

X



Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

[Appendix "A" – Draft Integrity Commissioner By-law](#)