



**REQUEST FOR PROPOSAL**

**INTEGRITY COMMISSIONER SERVICES**

**Town of Erin**

**RFP Issued: April 20<sup>th</sup>, 2018**

**RFP Due Date: 12:00p.m. (noon) Friday, May 18<sup>th</sup>, 2018**

## **TOWN OF ERIN**

5684 Trafalgar Road  
Hillsburgh, Ontario  
N0B 1Z0



## **ADMINISTRATION**

Tel: (519) 855-4407, Ext.222  
Fax: (519) 855-4281  
E-mail: [Nathan.Hyde@erin.ca](mailto:Nathan.Hyde@erin.ca)

April 20, 2018

The Town of Erin invites you to submit a proposal for:

**Integrity Commissioner Services** on the enclosed form.

Proposals are due in clearly marked "**Request For Proposal - Integrity Commissioner Services**" envelopes or by e-mail, no later than **12:00 p.m. on May 18, 2018** at the following address:

Nathan Hyde  
Town of Erin  
5684 Trafalgar Road  
Hillsburgh, ON N0B1Z0  
RFP – Integrity Commissioner Services

OR

[Nathan.Hyde@erin.ca](mailto:Nathan.Hyde@erin.ca)

Proposals received after the closing time will be rejected and returned unopened to the bidder. The Town of Erin reserves the right to dismiss any or all proposals at their sole discretion. The lowest proposal will not necessarily be accepted.

Proposal subject to Council approval.

For any further information, please contact the person named below.

Nathan Hyde LLB, MPA, CMMIII  
Chief Administrative Officer  
Town of Erin  
(519) 855-4407 ext. 222  
[Nathan.Hyde@erin.ca](mailto:Nathan.Hyde@erin.ca)

## **INFORMATION TO BIDDERS**

### **Proposal Opening and Closing**

All proposals must be received on or before **May 18, 2018 at 12:00 p.m.**, in order for a proposal to be received, it must be delivered by courier, in hand, by postal service or by e-mail, and received by an authorized representative of the Municipality at the indicated address and clearly marked as to contents.

### **Acceptance of Proposals**

Unless otherwise specified in these proposal documents, it is agreed that this proposal constitutes an irrevocable offer to provide the goods and/or services described herein for a period of sixty (60) calendar days from the closing date for the receipt of proposals. Acceptance by the Corporation is effective upon approval by its awarding authority without communication or notice to the bidder, although such notice will, of course, be given as expeditiously as possible.

### **Rejection of Proposals**

Proposals may be rejected for any one of the following reasons:

- (a) Proposals received after the closing date.
- (b) Proposals received on other than the proposal form supplied.
- (c) Incomplete proposals (all items not bid).
- (d) Qualified or conditional proposals.
- (e) Proposals not properly signed and sealed

## **BIDDING REQUIREMENTS**

### **Alteration or Withdrawal of Proposals**

A proposal may be altered by submitting another proposal at any time up to the specified time and date for proposal closing. The last proposal received shall supersede and invalidate all proposals previously received by the Proponent for that contract.

The proponent may withdraw the proposal at any time up to the specified time and date for proposal closing by submitting a letter bearing the proponent's signature and seal and delivered to the CAO of the Town of Erin. Such a submission must be received in sufficient time to be marked with the time and date of receipt.

Telegrams, fax transmissions and telephone calls will not be accepted.

## **Introduction**

This Request for Proposals (RFP) is an invitation by the Town of Erin to prospective proponents to submit proposals for the provision of services as an Integrity Commissioner for the municipality.

## **Background**

The Town of Erin is a municipality with an estimated population of 12,000 residents located within the County of Wellington.

Encompassing two urban centres and a large rural area, Erin is governed by a five (5) member Council. The closest of all Wellington municipalities to the Greater Toronto Area (GTA), and as the largest municipality in southern Ontario without a mechanical sewage treatment facility – the Town is poised for tremendous growth in the coming years.

## **Scope of Work**

The Integrity Commissioner is an independent and impartial position that reports directly to Council and whose powers and duties are set out in the *Municipal Act, 2001*. The Integrity Commissioner is primarily responsible for ensuring the Code of Conduct governing elected public officials and unelected officials appointed to the Town's Advisory Committees is objectively communicated and applied. The Integrity Commissioner is also responsible for investigating formal complaints relating to alleged breaches of the Code of Conduct. The Integrity Commissioner will also be responsible for reviewing and recommending changes to the Town's Codes of Conduct, and providing educational workshop(s) at least once per term to Council on their roles and responsibilities and ethical behaviour. The role of the Integrity Commissioner is a critical role in maintaining public confidence in the Municipality's government.

## **Compliance with Applicable Laws**

A condition of the Agreement is the requirement that the successful Proponent comply with all applicable laws of Ontario and Canada, including the Occupational Health and Safety Act (Ontario), the Ontario Human Rights Code, the Pay Equity Act (Ontario), the Accessibility for Ontarians with Disabilities Act (AODA) and applicable privacy statutes in the Province of Ontario

The Integrity Commissioner performs four basic roles:

#### Advisory

- Provides advice to Council to prevent potential violations of the Code of Conduct
- Reviews the Code of Conduct to ensure it accurately reflects best practices for the conduct of members of Council and Town Advisory Committees
- Provides advice to the public on matters relating to the conduct of Council
- Educates members of Council on the Code of Conduct
- Complaint investigation
- Assesses complaints from the public to determine their validity
- Reports the results of the investigations to Council and the public
- Provides a yearly report to Council
- Conducts presentations and workshops and training at least once per term of Council

#### Complaint adjudication

- Investigates and renders an opinion on whether a member of Council or individual appointed to a Town Advisory Committee has violated a Municipal protocol, by-law or policy governing ethical behaviour
- Recommends appropriate discipline as outlined in the By-Law for members found in violation of the Code of Conduct
- Reports the results of an investigation through Council
- The Integrity Commissioner does not have authority over the conduct of Municipal employees.

#### Qualifications

The qualifications that a candidate for the position of Integrity Commissioner should possess include:

- 1) At least ten years of legal or quasi-judicial experience, or senior municipal management;
- 2) Proven ability to conduct research and detailed investigations;
- 3) Proven ability to understand and interpret legislation relating to municipal government, municipal governance, and the conduct of elected officials (all applicable statutes, regulations and policies);
- 4) Proven ability to render defensible opinions on matters relating to the conduct of a member of Council;
- 5) Demonstrated impartiality and neutrality, such as that of a judge;
- 6) An ability to provide services on a part-time, flexible and as-needed basis;

- 7) No other involvement in political campaigning/endorsement, or related conflicts of interest;
- 8) No financial interest in the work undertaken by the Town of Erin;
- 9) An independent person who personifies high ethical standards;  
Experience managing sensitive inquiries, conducting investigations and making appropriate  
Recommendations;
- 10) Excellent communication skills;
- 11) Impartiality, wisdom, sound judgment combined with the ability to inspire trust and confidence;

### **Work Plan**

The Proponent's response shall provide detail of the following:

1. A statement acknowledging an understanding of the requirements.
2. A work plan setting out how the Proponent would ensure the quality of work and cost effectiveness. The work plan shall also set out proposed response times and any communication and co-ordination procedures that the Proponent proposes, where it is appropriate to do so. A protocol for the confidential receipt and forwarding of complaints will be developed by the successful Proponent.

### **Appointment**

The term of the contract will be for a period of four (4) years, beginning on December 4<sup>th</sup>, 2018 and ceasing on December 3<sup>rd</sup>, 2022. At the end of the contract period the Town may, at its sole discretion renew for an additional four (4) years.

### **Subcontracting**

The successful respondents shall not assign or sublet any portion of the work.

### **Selection Process**

The selection process will start with a review of the contents of the submissions as received, any clarifications requested and from reference checks. The Town reserves the right to reject any or all submissions and shall not be bound to accept any of them.

The Town shall have the right to negotiate with each and every respondent the terms and conditions of their proposal, the details of the contract and the inclusion or exclusion of all or

any portion of the role of the Integrity Commissioner outlined in this document. Negotiations may take the form of adding, deleting or modifying requirements to obtain the best possible price. There is no obligation to negotiate with only one respondent to the exclusion of the other respondents.

### **Proposal Evaluation**

Proposals will be evaluated on the basis of the information provided by the Proponent and the evaluation criteria will be as follows:

### **Category Weighting**

- Qualifications 50%
- Experience 30%
- Work plan 10%
- Fee schedule 10%

The Municipality, in its sole discretion may adjust the evaluation score or ranking of proposal submissions as an outcome of the clarifications.

### **Fee Structure**

The Municipality is looking for an Integrity Commissioner of Record to be used at an hourly rate as and when required.

### **Insurance (from successful respondents only)**

The successful Proponent shall at its own expense obtain and maintain throughout the contract, and provide the Municipality with evidence of:

- Professional Liability Insurance covering the work and services for an amount not less than Two Million (\$2,000,000.00) dollars and shall continue for twelve (12) months following completion of work.

### **Freedom of Information**

The Municipality is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. As a result, the Municipality cannot guarantee that any information forwarded to the Municipality can be held in confidence.

Respondents must identify in their submission any information which they feel is confidential and which should remain confidential. Respondents must specify their reasons and those sections of the Act which support the confidentiality.

Confidential information must be included in a separate section of the submission. This will facilitate the ability to make other parts of the submission available to the public.

In all circumstances the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* will prevail.

### **Accommodation for Proponents with Disabilities**

The Town of Erin is committed to providing equal treatment to people with disabilities with respect to the use and benefit of municipal services, programs and goods in a manner that respects their dignity and that is equitable in relation to the broader public. In accordance with the Ontario Human Rights Code, Ontarians with Disabilities act, 2001 (ODA) and Accessibility for Ontarians with Disabilities act, 2005 (AODA), the Municipality will accommodate for a disability, ensuring full and equitable participation throughout the RFP process.

If a proponent requires this RFP in a different format to accommodate a disability, the proponent must contact the Municipal Contact as soon as possible and in any event prior to the Submission Deadline.

The RFP in the different format will be issued only to the requesting proponent and all addenda will be issued in such different format only to the requesting proponent.

### **Questions**

Questions can be directed as follows:

Nathan Hyde, CAO

Telephone: 519.855.4407

Email: [Nathan.Hyde@Erin.ca](mailto:Nathan.Hyde@Erin.ca)

All clarification requests are to be sent in writing to the individual mentioned above.

No clarification requests will be accepted by telephone.

Amendments or changes to this RFP prior to the closing date and time stated herein will only be in the form of written addenda and said addenda will be issued by the CAO. Any Addenda will be distributed through Erin.ca, biddingo.com and merx.com. It is the Proponent's sole



responsibility to check this Web Site regularly to inform itself of any posted Addendum. The Town makes no promise or guarantee that addenda will be delivered by any means to any Proponent. By submitting a proposal submission in response to this RFP, the Proponent acknowledges and agrees that addenda shall only be posted on Erin.ca, biddingo.com and merx.com and it is the sole responsibility of the Proponent to check these sites for said addenda.

## **PROHIBITED COMMUNICATION AND CONFIDENTIAL INFORMATION**

### **Prohibited Proponent Communications**

Any attempt on the part of any Proponent or any of its employees, agents, contractors or representatives to contact any person other than the Town Contact with respect to this RFP, will be grounds for disqualification. For clarification and without limiting the generality of the foregoing, no attempt will be made to contact any member of the Town Evaluation Team, Senior Leadership Team, elected officials or any expert or other adviser assisting the Town Evaluation Team.

In such event, and without any liability, the Town may, in its sole discretion and absolute discretion, in addition to any other remedies available by law, disqualify the Proposal submitted by the Proponent.

### **Proponent Not to Communicate with Media**

A Proponent may not at any time directly or indirectly communicate with the media in relation to this RFP or any contract awarded pursuant to this RFP without first obtaining the written permission of the Town.

### **Confidential Information of the Town**

All information provided by or obtained from the Town in any form in connection with this RFP either before or after the issuance of this RFP:

- a) Is the sole property of the Town and must be treated as confidential;
- b) Is not to be used for any purpose other than replying to this RFP and the performance of any subsequent Agreement;
- c) Must not be disclosed without prior written authorization from the Town; and
- d) Shall be returned by the Proponents to the Town immediately upon the request of the Town.

### **Subject to Municipal Freedom of Information and Protection of Privacy Act**

Information provided by a Proponent may be released in accordance with the Municipal Freedom of Information and Privacy Act R.S.O. 1990, c.M 56, as amended. A Proponent shall

identify any information in its Proposal or any accompanying documentation for which confidentiality is to be maintained by the Town.

The confidentiality of such information will be maintained by the Town, except where an order by the Information and Privacy Commission or a court requires the Town to do otherwise.

### **Rights of the Town**

In addition to any other expressed rights or any other rights which may be implied in the circumstances, the Town reserves the rights to:

- a) Make public the names of any or all Proponents;
- b) Request written clarification or the submission of supplementary written information from any Proponent;
- c) Waive formalities and accept Proposals which substantially comply with the requirements of the RFP;
- d) Verify with any Proponent or with a third party any information set out in a Proposal;
- e) Check references other than those provided by any Proponent;
- f) Disqualify any Proponent whose Proposal contains misrepresentations or any other inaccurate or misleading information;
- g) Disqualify any Proponent or the Proposal of any Proponent who has engaged in conduct prohibited by this RFP;
- h) Make changes, including substantial changes, to this RFP provided that those changes are issued by way of addenda in the manner set out in this RFP; i) Accept or reject a Proposal if only one Proposal is submitted;
- j) Select any Proponent other than the Proponent whose Proposal reflects the lowest cost to the Town;
- k) Cancel this RFP process at any stage;
- l) Cancel this RFP process at any stage and issue a new RFP for the same or similar services;
- m) Accept any Proposal in whole or in part, provided that doing so complies with the Town Procurement Policy and other applicable laws;
- n) Discuss with any Proponent different or additional terms to those contemplated in this RFP or in any Proponent's Proposal;
- o) Reject any or all Proposals in its absolute discretion;
- p) Terminate the contract without notice if due to non-performance and unsatisfactory services;
- q) Schedule and/or request required services or to call in alternate services if the proponent is unable to provide the service when it is requested;
- r) Hire the successful Proponent on an as and when required basis and does not guarantee a specific quantity of work;

and the Town shall not be liable for any expenses, costs, losses or any direct or indirect damages incurred or suffered by any Proponent or any third party resulting from the Town

exercising any of its express rights under this RFP or exercising any rights which may be implied in the circumstances.

By submitting a Proposal, the Proponent authorizes the collection by the Town of the information set out under (d) and (e) in the manner contemplated in those subparagraphs.

### **Governing Law of RFP Process**

This RFP process shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.

## **SUBMISSION REQUIREMENTS**

### **Basic Requirements**

Submissions should include, but not be limited to, the following information

- Contact information, including the business or individual's full name, complete address, telephone number, fax number, contact person's full name and email address;
- A brief description of your firm – its clients, its history, its projects, its staff;
- An outline of the services to be provided (Work Plan);
- An outline of past experience in similar projects;
- References;
- Any other supporting information you may wish to include with your submission
- Submit **an electronic copy** of the completed document, to the address below.

Failure to complete and include information as required may result in your submission not being considered. Point by point response is requested. Respondents shall address each and every required item as indicated above.

### **References**

Please state the name, address, phone number and contact person for all references supplied. The submission of a response authorizes the Municipality to contact all references provided. Failure to provide references and details of experience may result in the submission not being considered.