

TOWNSHIP OF TAY



The Corporation of the Township of Tay

P.O. Box 100, 450 Park Street
Victoria Harbour, ON L0K 2A0

Administration Department

RFP Number 2019-12
Integrity Commissioner

Proposal Closing: 2:00 p.m. (14:00 hours)
April 26, 2019

1. INTRODUCTION

The Township of Tay is seeking proposals from persons who are interested in serving the Township of Tay as its Integrity Commissioner.

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 officials 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 Township's Codes of Conduct, and providing educational workshops to Council on their roles and responsibilities and ethical behaviours. The role of the Integrity Commissioner is a critical role in maintaining public confidence in the Township's government.

2. SCOPE OF SERVICES

A. In addition to the requirements and responsibilities under Section 223 of the *Municipal Act, 2001*, the Integrity Commissioner perform the following basic roles:

Advisory

- Provide advice to Council to prevent potential violations of the Code of Conduct
- Review the Codes of Conduct to ensure it accurately reflects best practices for the conduct of member of Council and the Township's Boards & Committees
- Provides advise to the public on matters relating to the conduct of Council
- Educates member 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 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

Note: The Integrity Commissioner does not have authority over municipal employees.

B. Proponents will be required to demonstrate that they possess the following skill set:

1. Proven impartiality and neutrality;
2. Strong mediation skills;
3. Strong communication skills;
4. Experience and skills in conducting investigations and making appropriate recommendations. Familiarity with investigatory procedures and applicable legal principles, particularly as they relate to evidence, legal interpretation and natural justice;
5. Knowledge of municipal governments and municipal law, including conflict of interest legislation. Ability to interpret and apply the provisions of various statutes, regulations, policies and other enabling documents.

C. Any individual that is retained to provide the Services to the Municipality must not have:

1. A criminal record;
2. Any current financial interest in work undertaken by the Municipality; and
3. No involvement in political campaigning/endorsements or related issues with respect to candidates running for office in any municipal election, or current members of Council.

D. Expenses

It is anticipated that the Integrity Commissioner will be available to Council to call when seeking assistance and provide training, in addition to fulfilling the duties required under the *Municipal Act, 2001*.

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Proponents are required to include a listing of all potential expense, including: annual retainer (if required), hourly rate for services related to an investigation, training session rate, and any other expenses related to the fulfillment of the duties.

If an annual retainer is required what, if any, services are included/provided as a result of that retainer.

3. WORKING RELATIONSHIP

The Integrity Commissioner will be directly responsible to and shall report to the Township of Tay Council.

The administrative contact for the Integrity Commissioner shall be the Clerk.

4. REQUEST FOR PROPOSALS

A. Proposal

The Township is asking consultants to submit a proposal identifying the following (limit of 20 pages):

1. Proponent General Information
2. References
3. Experience with Integrity Commissioner Services
4. Quality of Reporting (include sample report from a prior investigation – Note: please sever any personal information)
5. Financial Documents/Pricing

B. Proposal due

Two (2) copies of the Letters of Interest shall be submitted to the Township of Tay during regular office hours, and no later than

2:00 p.m. on Friday, April 26, 2019

to THE ATTENTION OF:

Alison Gray, Clerk
Township of Tay
450 Park Street
P.O. Box 100
Victoria Harbour, ON L0K 2A0

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Proposals received must be submitted in a sealed envelope.

The following information shall appear on the outside of the envelope:
Attention: Mrs. Alison Gray, Clerk and "RFP No. 2019-12: Integrity Commissioner".

Proposals received after the deadline will not be considered and will be returned to the sender. The cost of preparing and submitting the proposal shall be at the proponents' expense.

If any clarification is required regarding the details of the terms of reference, please contact Mrs. Alison Gray, Clerk directly at agray@tay.ca using subject line "Integrity Commissioner".

5. SELECTION & AWARD

The appointment of the successful consultant shall be in accordance with a selection process as outlined, with Council authorizing final selection as per the Township Procurement Policy.

The following selection process will apply:

1. Scrutiny of the bid submissions relative to compliance with the requirements of the RFP;
2. Elimination of bids from proponents where the proponent, or its principals have been, or currently are, involved in litigation with the Township of Tay other than a claim for property damage or personal injury, where that litigation impacts upon the ability of the parties to further engage in reasonable business relations;
3. Evaluation of the bids will be based on the following:
 - Proponent general information
 - References
 - Ability to show a clear understanding of issues and constraints and applicable standards and statues
 - Quality of the proposal in meeting the requirements of RFP
Experience with Integrity Commissioner Services
 - Quality of reporting
 - Financial documents/pricing/fees

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The selected proponent will be required to sign a contractual agreement with the Township of Tay. It is anticipated that the contract will be awarded in May 2019.

The initial contract will go from June 1, 2019 to May 31, 2023 with the right for an automatic renewal, provided neither party terminates the contract.

The Township reserves the right not to award the contract to the lowest or to any proponent/bidder/applicant.

6. INSURANCE

Prior to the commencement of any work, the Proponent must furnish to the Township, at the Proponent's expense, certificate(s) of insurance satisfactory to the Township, as set forth below. In the event that the certificate(s) of insurance is/are not satisfactory, the Township may require the Proponent to provide a certified copy of the policy. The Proponent shall further provide that evidence of the continuance of said insurance is filed at each policy renewal date for the duration of the Contract.

All insurance policies of the Contractor shall be underwritten by an insurer licensed to conduct business in the Province of Ontario and shall include a waiver of subrogation against The Corporation of the Township of Tay, its and their respective successors, assigns, elected officials, directors, officers, agents and employees.

The certificate(s) for the coverage and amounts listed below are to be provided:

- \$2 million – Commercial General Liability

The Commercial General Liability policy shall contain:

- a "Cross Liability" clause or endorsement;
- an endorsement certifying that The Corporation of the Township of Tay is added as an additional insured;
- an endorsement to the effect that the policy or policies will not be altered, cancelled or allowed to lapse without thirty days prior written notice to the Township;
- non-owned automobile coverage with a limit of at least \$2,000,000 including contractual non-owned coverage;
- products and complete operations coverage

7. WSIB

To the extent that the Workplace Safety and Insurance Act S.O. 1997 c. 16 Schedule A, as amended, applies to the Deliverables, and whether a Contract refers to manufactured items or to work, the Supplier warrants and agrees that it has complied and will comply with applicable workplace safety and insurance laws and regulations if the work is performed on Tay Township premises and further will comply with any and all other applicable laws, codes, regulations, rules and orders, including but not limited to all requirements of law governing occupational health and safety.

Where applicable, the Supplier will forward to Tay Township every ninety (90) days during the Term:

- a valid Certificate of Clearance from the Workplace Safety and Insurance Board each time work is to be conducted on the Township's premises , or
- proof of Independent Operator status (for those not included in the "Class G: Construction List", as of January 1, 2013), or
- proof of "Employer by Application" status

8. ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

Prior to the commencement of any work under this Contract, the Proponent shall furnish evidence of compliance with the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*.

The Proponent shall submit to the Township of Tay upon request, as required from time to time, documentation describing its training policies, practices and procedures, and a summary of the contents of training, together with a record of the dates on which training was provided and the individuals to whom training was provided. The Township of Tay reserves the right to require the Proponent to amend its training policies, practices and procedures if the Township deems the same not to be in compliance with the requirements of the Regulation.

For further details, go to www.AccessON.ca. and www.mcass.gov.on.ca (click on "Accessibility for Ontarians with Disabilities")