



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	Integrity Commissioner and Lobbyist Registrar Appointment (FCS23106) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Aine Leadbetter (905) 546-2424 Ext. 2753
SUBMITTED BY:	Janet Pilon Acting City Clerk
SIGNATURE:	

RECOMMENDATION

That the draft By-law attached as Appendix "A" to this report to appoint Boghosian + Allen LLP as Integrity Commissioner and Lobbyist Registrar for the City of Hamilton, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

The purpose of this Report is to provide the results of the Request for Proposals ("RFP") procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton, and to recommend the enactment of a by-law to appoint Boghosian + Allen LLP, the successful proponent of the RFP process.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Currently, the annual costs for the Integrity Commissioner and Lobbyist Registrar are funded through IC-Lobbyist Registrar (Account Number 300400). The annual costs from the past five (5) years with the current year to date is listed below in chart 1.

Chart 1: Annual Expenditure on Integrity Commissioner Fees

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Dept ID 300400					
	2019	2020	2021	2022	2023*
Integrity Commissioner Charges	30,715.62	66,476.36	64,846.69	39,768.28	36,510.00

*2023 expenses are as of 9/25/23

Staffing: None.

Legal: Legal Services has prepared the contract to give effect to the appointment of the Integrity Commissioner and Lobbyist Registrar for the City of Hamilton.

HISTORICAL BACKGROUND

On March 27, 2023, the City Clerk reported to Governance Review Sub Committee regarding the Integrity Commissioner Contract Extension, report FCS22074(a). This report recommended that Council approve an extension to the City's existing contract with Principles Integrity, being Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton, from June 1, 2023 until May 31, 2027.

At the April 12, 2023 meeting of Council, Council directed staff as follows:

(viii) Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide) (Outstanding Business List Item) (Item 10.6)

1. *That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until September 30, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;*
2. *That staff be directed to take the alternative action set out in Report FCS22074 (a)), attached as Appendix I to Audit, Finance and Administration Committee Report 23-005, to conduct a competitive procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar in accordance with the City's Procurement Policy*

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- By-Law 20- 205, as amended, with the addition of the Auditor General as a member of the Selection Committee; and*
3. *That Appendix J to Audit, Finance and Administration Committee Report 23-005, be approved*

Following the direction from the April 12, 2023 meeting of Council, the City Clerk with the assistance of Procurement staff issued an RFP on June 23, 2023 to select and retain an Integrity Commissioner and Lobbyist Registrar. The RFP closed on July 24, 2023.

Due to extenuating circumstances delaying the Committee's review and evaluation of the RFP submissions, a motion to further extend the City's contract with Principles Integrity was approved at the September 13, 2023 meeting of Council. In negotiations following the approval of the September 13, 2023 motion and extension to contract C2-06-19 to November 30, 2023, Principles Integrity requested that their contract expire on October 31, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001*, as amended, Part V.1 Accountability and Transparency, section 223.2 to 223.12 (Appendix "A") outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed its intent to retain its own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Sections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Section 223.11 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

An open, fair and competitive procurement process was conducted by City staff in accordance with the City's Procurement Policy By-Law 17-064 and the Council

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approved Integrity Commissioner/Lobbyist Registrar Appointment and Contract Administration Procedures (the “Procedures”) to secure the services of an Integrity Commissioner and Lobbyist Registrar.

Staff issued a Request for Proposal on June 23, 2023 which subsequently closed on July 24, 2023 with four compliant Proposals submitted in response. In alignment with the Procedures, a committee comprised of the City Manager, City Solicitor, Acting City Clerk, Auditor General, and Executive Director of Human Resources received and evaluated compliant proposals.

All proposals were evaluated by the committee against the criteria established in the RFP. As a result of the evaluation, three Proposals met the minimum benchmark set out in the RFP and were eligible to have their Costing Proposal opened and evaluated. The RFP stated that the Proponent who achieved the “lowest cost per point” (calculated by dividing the Proponent’s total contract price by the technical points received) would be the Preferred Proponent. For this RFP, the Preferred Proponent is Boghosian + Allen LLP.

In accordance with the Procedures, following the selection of a preferred candidate for Integrity Commissioner/Lobbyist Registrar the City Clerk is required to place a by-law for appointment of the preferred candidate on the Council agenda for consideration and enactment. The by-law to appoint Boghosian + Allen LLP attached as Appendix “A” to this report specifies the terms and conditions of such appointment and delegates authority to finalize and execute the contract, with terms satisfactory to the City Solicitor, and authority for contract administration, to the City Clerk.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: To Appoint an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton