

POLICY: **LOBBYING DISCLOSURE: CERTAIN REQUESTS FOR PROPOSALS AND TENDER/QUOTATION CALLS**

SECTION: **II – General Policies – Finance & Property**

MOTION # / DATE: **01 – – October 29, 2001**

1.0 Purpose

To enhance transparency in competitive procurement awards through a lobbying disclosure process for certain competitive Requests for Proposals and Tender and Quotation Calls issued by the Toronto Public Library Board.

2.0 Application

Lobbying disclosure shall apply to all competitive Requests or Calls issued by the Library that are for high-value contracts, or for long-term contracts, or high-profile contracts with the likelihood of intense lobbying that could jeopardize objective decision-making, as defined in Section 3.0 below.

3.0 Definitions

3.1 All references in *Italics* below refer to definitions contained within the Toronto Public Library Purchasing Policy, approved by the Board, October 2, 2000.

3.2 In this policy,

“Bid” means a formal price response to a Call issued by the Library;

“Bidder” means any legal entity submitting a competitive Bid in response to a Call by the Library;

“Call” means a *Solicitation* from the Library to external suppliers or providers to submit a *Tender* or a *Quotation*;



“High-value contract” means a contract estimated to have a value above the *Bid Committee* award limit as set out in Section 6 (2) (b) of the Toronto Public Library Purchasing Policy;

“High profile contract” means a contract that, in the opinion of the City Librarian, Director responsible for the issuance of the Request or Call, or his or her designate, has a policy significance beyond its monetary value and includes a contract in respect of which, in the opinion of the City Librarian, Director, or his or her designate, the likelihood of intense lobbying may jeopardize objective decision-making;

“Lobbying” for the purposes of this policy, means oral or written communications by Bidders/Proponents and/or representatives employed or retained by them, with members of Council, the Library Board, City or Library officials, and City or Library staff, in order to promote or oppose any Bidder or Proponent, as the case may be, responding to a Call or Request;

“Long-term contract” means a contract that exceeds three years;

“Proponent” means any legal entity submitting a Proposal in response to a Request issued by the Library;

“Proposal” means an offer to furnish goods, services or construction, including professional or consulting services, as a basis for negotiations for entering into a contract;

“Purchasing Agent” means the person holding the position of Manager, Purchasing & Administration in the Finance Department and whose responsibility it is to supervise and carry out the procurement function on behalf of the Library and includes his or her designate;

“Quotation” means an offer to buy or supply specified goods or services at a price fixed as to the total amount or on a unit basis, or both; and

“Request” means a *Solicitation* from the Library to external suppliers or providers to submit a Proposal.



4.0 Process to Apply Criteria

- 4.1 The City Librarian, Director, or his or her designate, before applying a lobbying disclosure requirement under this policy for a contract expected by the City Librarian, Director, or his or her designate to have a value in excess of the signing limit established for the City Librarian in the Financial Control Policy, shall consult with the Purchasing Agent; and
 - 4.1.1 The City Librarian, Director, or his or her designate, in recommending a lobbying disclosure requirement for contracts expected by the City Librarian, Director, or his or her designate to have a value less than the signing limit established for the City Librarian in the Financial Control Policy, shall consult with the Purchasing Agent and obtain approval of the Board;
- 4.2 All Requests or Calls issued by the Purchasing Agent on behalf of the Toronto Public Library Board, for high-value contracts, high profile contracts, or long-term contracts, shall include a statement which advises Proponents or Bidders that they are required to ensure that no communication is made by the bidder/proponent or its representatives, including a third party representative employed or retained by it to promote or oppose any bid/proposal unless such communication, relating to all meetings, written correspondence and telephone discussions that the representative has had with any member of Council, Library Board, City or Library officials, City or Library staff, appointed member of any City boards, agency, commission, task force, or related organizations, is disclosed by the filing of a disclosure form in accordance with this policy and that any false or misleading disclosure or non-disclosure may affect the award of future contracts. Proponents or Bidders shall also be informed that failure to file a completed form (non-disclosure) shall be assumed to mean that no lobbying has been conducted by the Proponent or Bidder, its employees or representatives.
- 4.3 Disclosures of Lobbying are to be submitted on a form to be approved by the City Librarian from time to time. Forms must be up-to-date to the time of the meeting where the award will be made and filed with the Purchasing Agent up to the time of the meeting where the award of the Request or applicable Call will be made.



4.4 Disclosures are to contain the following information:

- (i) the name, address and telephone number of the Proponent or Bidder;
- (ii) the name, address and telephone number of each person retained, employed or designated by such Proponent or Bidder who has engaged in Lobbying in relation to the Proposal or Bid;
- (iii) the Request or Call document number in respect of which each person retained, employed or designated by such Proponent or Bidder has engaged in Lobbying;
- (iv) a description of the general nature of communications that each person retained, employed or designated by such Proponent or Bidder has made in Lobbying; and
- (v) the name of the person and department before whom such Proponent or Bidder has engaged in Lobbying.

5.0 Availability of Disclosure Information

5.1 The Library will provide the disclosure information upon request to any members of Council, Library Board, Library staff or the public.

6.0 Insufficient Disclosure

6.1 Where a Proponent or Bidder has not fully disclosed Lobbying in accordance with this policy, or made false or misleading statements in any disclosure form filed with the Purchasing Agent, any Proposal or Bid received from the Proponent or Bidder, as the case may be, shall not be considered for award in any further Request or Call for a period of one year from the time of such non-disclosure or false disclosure coming to the attention of the Purchasing Agent, unless such Proposal or Bid is approved by the Library Board pursuant to a report from the City Librarian setting out the extent and nature of any non-disclosure or false or misleading disclosure.



6.2 Where a Proponent or Bidder is alleged not to have fully disclosed Lobbying or to have made false or misleading disclosure in respect of a Proposal or Bid, the Purchasing Agent shall investigate the allegation and make a determination whether in fact such has occurred.

7.0 Lobbying Prohibition

7.1 Despite the contents of this policy, the Library Board reserves the right to invoke a ‘prohibition’ requirement in any competitive Call or Request, namely, a “no lobbying” provision to the effect that a Bidder or Proponent and representatives employed or retained by it, can only make representations and present their arguments advancing or opposing a Library issued Call/Request in a public deputation to the Library Board under the provisions of the Library’s Procedural By-law, or to the media, and any contact party identified in the competitive Call or Request.

