

BACKGROUND

On January 23, 2018, City Council passed the following resolution:

THAT the City of Greater Sudbury approves the selection process for an Integrity Commissioner for the City of Greater Sudbury;

AND THAT staff are directed to develop a new code of conduct applicable to members of City Council and local boards, including a complaint protocol, and establish the office of the Integrity Commissioner, all as described in the report of the General Manager, Corporate Services entitled Implementation of an Integrity Commissioner presented at the City Council Meeting on January 23, 2018.

In furtherance of the steps set out in the Implementation of an Integrity Commissioner report ("Implementation Report"), staff issued the Request for Proposals for the services of an integrity commissioner. The RFP remained open for 30 days. The following proponents submitted three bids (bids include HST):

- Robert Swayze
- ADR Chambers Inc.
- Aird & Berlis LLP

One bid, the bid by Aird & Berlis LLP, was disqualified in accordance with the City's Purchasing By-law, By-law 2014-1.

The staff evaluation team comprised of the General Manager of Corporate Services, the City Solicitor and Clerk and the Deputy City Solicitor/Deputy City Clerk conducted a comprehensive evaluation process involving 2 stages. The evaluation team reviewed the remaining 2 bids and scored the written proposals using evaluation criteria based on the following principles:

1. Previous municipal governance, procedural and/or ethics experience;
2. Knowledge of municipal government and an understanding of Council and/or local board operations and policies;
3. Knowledge of municipal law as relates to the accountability and transparency provisions in the Act;
4. Ability to provide services in a flexible and as needed manner without competing other demands;
5. Ability to develop trust and maintain credibility with City Council, staff and media;
6. Ability to maintain confidentiality, independence and confidentiality;
7. Experience receiving and managing complaints and conducting fair and impartial investigations which include the use of alternative dispute resolution processes
8. Experience drafting written advice and reports for individual and public review;

9. Ability to provide written advice and develop and deliver educational services;
and
10. Efficient use of City funds.

This first stage of the evaluation by the Evaluation team included scoring of qualifications, expertise, experience and references, the proponent's proposed workplan and financial proposal. Financial proposals were required to include a total bid amount with an annual retainer fee, travel expenses and an hourly rate based on an estimated amount of 250 hours of work for the first year of the contract.

Both of the remaining proponents achieved the necessary scores to proceed to step 2 of the evaluation, which involved an in-person interview and presentation.

Step 2 of the evaluation process included review of sample written Integrity Commissioner reports, a proponent presentation on Bill 68 and nine questions eliciting information relating to the proponents' expertise and experience relating to the role of municipal integrity commissioner.

Based on the cumulative score from both steps in the evaluation process, Robert Swayze was identified as the successful proponent subject to City Council approving his appointment and execution of the service provider agreement. Based on the evaluation process that occurred, Robert Swayze is the service provider recommended by staff for appointment as the Integrity Commissioner.

Mr. Swayze is one of the longest serving municipal integrity commissioners in Ontario and a founding member of the Municipal Integrity Commissioners Association of Ontario. He is serving in this role or has served in this role for many Ontario municipalities including:

- City of Mississauga,
- City of Guelph,
- Town of Oakville,
- City of Sarnia,
- Town of Wasaga Beach,
- County of Essex,
- Region of Peel,
- Town of Bracebridge,
- Town of Huntsville,
- Town of Carleton Place, and
- Municipality of Port Hope.

He has extensive experience providing advice to municipal councils, individual council and board members and providing written reports, including advising on codes of conduct.

In addition to serving as a municipal integrity commissioner, Mr. Swayze is a practicing lawyer with expertise in municipal law which staff anticipate will provide him the necessary insight into municipal governance and operations to navigate complex Council and Local Board member conduct issues. Mr. Swayze's curriculum vitae is attached as Schedule "A" to this report.

Mr. Swayze's bid which included an annual retainer was the lowest bid received by the City.

NEXT STEPS

Subject to the adoption of the recommendation above, staff will execute the service provider agreement with Mr. Swayze for the Integrity Commissioner services effective December 1, 2018. Once the contract is executed, staff will provide a draft code of conduct to Mr. Swayze for review and feedback. Staff anticipate bringing the draft code of conduct and Integrity Commissioner Complaint Protocol to City Council in the fall of 2018.

REFERENCES

Report of the General Manager of Corporate Services, *Implementation of an Integrity Commissioner*, dated January 23, 2018:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=6&id=1234>