



Almaguin Municipalities: Integrity Commissioner Request for Proposals

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Date of Issue: Monday, August 27th, 2018

Proposal Submission Deadline: Monday, September 24th, 2018 at 3:30 PM local time

Section 1 Introduction and General Instructions

1.01 Introduction

The Municipality of Magnetawan is acting as the lead contact for 12 municipalities in eastern Parry Sound District, which together invite proposals for the services of an Integrity Commissioner (IC). The IC will administer council codes of conduct and reply to complaints regarding the *Municipal Conflict of Interest Act, 1990* among other requirements.

The Successful Bidder shall be capable of providing IC services **for a three-year term** to each of the contracting municipalities (hereinafter referred to as the “Almaguin Municipalities”):

| | | |
|-------------------------|----------------------------|------------------------|
| Township of Armour | Municipality of Magnetawan | Village of South River |
| Village of Burk’s Falls | Township of | Village of Sundridge |
| Township of Joly | McMurrich/Monteith | Township of Strong |
| Town of Kearney | Township of Perry | |
| Township of Machar | Township of Ryerson | |

The Evaluation Committee will evaluate and recommend a Successful Bidder and will provide such recommendation to the Almaguin Municipalities. Each Almaguin Municipal Council will independently consider the recommendation and select a Successful Bidder. The Almaguin Municipalities are not obligated to select the same Bidder.

The Almaguin Municipalities acknowledge that the volume of work for the IC will be unpredictable, and as such they do not warrant a particular volume of work for the Successful Bidder. Thus, any required services shall be provided on an as-needed basis.

This Request for Proposals document (and any other applicable attachments or addenda) is available in PDF format through the Municipality of Magnetawan’s website at <http://www.magnetawan.com/index.php/municipal-office/requests-for-proposals>

Any information contained in the Request for Proposals that is changed by the Bidder (except for filling in the blanks) will be grounds for disqualification.

1.02 Submission of Proposals

Proposals shall be submitted in the form and format specified in **Section 3** and shall include the completed Form of Proposal included as **Section 5** at the end of this document. A designated signing officer authorized to bind the Bidder to the provisions of their Proposal must sign the Form of Proposal. Any addenda issued by the Almaguin Municipalities in accordance with **Section 1.06** must be acknowledged by the Bidder on the Form of Proposal.

Each Bidder is asked to submit **One (1) hard copy and One (1) electronic copy** of the Proposal. The electronic copy of the proposal may be submitted any time prior to the deadline. The hard copy of the proposal must be signed, sealed and received by:

*The Municipality of Magnetawan
PO Box 70, 4304 Hwy 520
Magnetawan, ON
POA IPO*

The Proposal must indicate on the front of the sealed envelope the Bidder’s full company name, the project name and the name of the Lead Contact.

Project Name: Request for Proposals - Almaguin Municipalities Integrity Commissioner

One (1) hard copy of the proposal must be received no later than 3:30 PM, local time, on Monday, September 24, 2018.

Proposals must not be restricted by a statement added to the Form of Proposal or by a covering letter, or by alterations to the Form of Proposal supplied unless otherwise provided in the RFP.

The onus remains with the Bidder to ensure that the Almaguin Municipalities receive Proposals delivered or sent by courier prior to the Proposal Submission Deadline, in accordance with the submission process described in this section. Proposals received after the Proposal Submission Deadline will not be considered and will be returned unopened. Faxed or electronic submissions that are unaccompanied by a hardcopy submission will not be accepted as response to this RFP.

1.03 Contacts

All questions or inquiries must be made in writing or email to the Lead Contact named below:

*Andrew Farnsworth, Clerk-Administrator,
Municipality of Magnetawan
PO Box 70, 4304 Hwy 520
Magnetawan, ON, POA 1P0
clerk@magnetawan.com*

IMPORTANT: A Bidder may be disqualified if they make inquiries, between the Proposal issue date and the notification of the Award, in a manner other than that described in this RFP or to anyone involved in the process who is not the Lead Contact, including but not limited to the members of Council. This is to ensure that each Bidder receives the same information and that no Bidder receives unfair treatment during the RFP process.

1.04 Schedule

The schedule set out herein represents the Municipality of Magnetawan’s best estimate of the schedule that will be followed, and it is intended to be a guideline.

The approximate schedule is as follows:

| | |
|--|---|
| RFP issue date | Monday, August 27, 2018 |
| Deadline for submission of questions (see Section 1.05) | Monday, September 10, 2018, 3:30 PM |
| Addenda posted on Municipality website (see Section 1.06) | Friday, September 14, 2018, 3:30 PM |
| Proposal Submission Deadline (see Section 1.02) | Monday, September 24, 2018, 3:30 PM |
| Notification of Award | Based on individual Council meetings |

1.05 Required Review and Clarification

Bidders shall carefully review this RFP. If questions concerning clarification of the contents of this document arise, the questions must be made in writing and received by the Lead Contact by no later than **3:30 PM local time, Monday September 10, 2018**. This will allow time for the issuance of any necessary addenda. Protests based on any omission or error or on the content of the RFP will be disallowed if these perceived faults have not been brought to the attention of the Lead Contact.

In submitting a Proposal, the Bidder acknowledges that they have read, completely understood, and accepted the terms and conditions of the RFP in full. The Almaguin Municipalities are not responsible for any misunderstanding of the RFP.

1.06 Amendments to the RFP

The Almaguin Municipalities may issue addenda to clarify and/or modify certain aspects of the RFP prior to the Proposal Submission Deadline. Addenda shall be posted by **3:30 PM local time, Friday, September 14, 2018** to www.magnetawan.com and shall be available in each Municipal Office.

1.07 Opening of Proposals

There will be no formal opening of proposals. Typically, a Request for Proposals is evaluated on a more comprehensive set of criteria than a Tender. As such, the contract will not be awarded at the opening, but only after the Evaluation Committee has examined all Proposals in detail and presented a recommendation to the Councils. Bidders are notified in **Section 1.04** of the approximate dates for the Awarding of the contract, and they are welcome to attend such meetings.

1.08 Reserved Rights of the Almaguin Municipalities

The Almaguin Municipalities reserve the right to:

- a. make public the names of any or all Bidders and their quoted price;
- b. request written clarification or the submission of supplementary written information in relation to the clarification request from any Bidder and incorporate a Bidder's response to that request for clarification into the Bidder's Proposal;
- c. adjust a Bidder's scoring or reject a Bidder's Proposal on the basis of
 - i) a financial analysis;
 - ii) the Bidder's past performance on previous contracts awarded by any of the Almaguin Municipalities;
 - iii) the information provided by a Bidder pursuant to the Almaguin Municipalities exercising their clarification rights under this RFP process; or
 - iv) other relevant information that arises during the RFP process;
- d. verify with any Bidder or with a third party any information set out in a Proposal;
- e. disqualify any Bidder whose Proposal contains misrepresentations or any other inaccurate or misleading information, or any qualifications;
- f. disqualify any Bidder or the Proposal of any Bidder who has engaged in conduct prohibited by this RFP;
- g. 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;
- h. select the Bidder other than the Bidder whose Proposal reflects the lowest cost to the Almaguin Municipalities or the highest overall score;
- i. cancel this RFP process at any stage;
- j. cancel this RFP process at any stage and issue a new RFP for the same or similar deliverables;

- k. accept or reject any or all Proposals in whole or in part;
- l. discuss with any Bidder different or additional terms to those contemplated in this RFP or in any Bidder's Proposal;
- m. if a single Proposal is received, reject the Proposal of the sole Bidder and cancel this RFP process or enter into direct negotiations with the sole Bidder;
- n. enter into negotiations with the highest scoring Bidder(s) to obtain cost savings, additional services or any other matter.

These reserved rights are in addition to any other expressed rights or any other rights which may be implied in the circumstances.

1.09 Not Responsible for Costs

The Almaguin Municipalities shall not pay any costs associated with the preparation, submission, or presentation of the Bidder's Proposal. The Almaguin Municipalities shall not be liable for any expenses, costs or losses suffered by the Bidder or any third party resulting from the Almaguin Municipalities exercising any expressed or implied rights under this RFP.

1.10 Proposal Expiry Date

Bidders hereby acknowledge that their Proposals shall be irrevocable for a period of 90 days from the Proposal submission deadline. Extensions to this period may be granted with the mutual agreement of the Almaguin Municipalities and the successful Bidder and may be initiated by either party.

1.11 Confidentiality and Ownership

Any information provided to the Bidder by the Almaguin Municipalities before, during or after the project is completed shall be treated as confidential and shall not be used or communicated by the Bidder or any third party in any way unless otherwise identified or permitted by the Almaguin Municipalities or under provincial or federal legislation. Information, reports, documentation, plans, etc. that are produced by the successful Bidder in response to this project shall become the exclusive property of the Almaguin Municipalities. However, intellectual property, such as specific tools, templates, processes, etc. that the Bidder provides as part of the deliverables remains the property of the Bidder if so requested.

1.12 Invoicing

The Successful Bidder shall provide a monthly invoice to each Almaguin Municipality for the work performed for that Almaguin Municipality in the previous month. Invoices shall clearly state the work performed and all associated costs. Invoices shall not be required where no work has been performed.

1.13 Freedom of Information

Any personal information required in the Proposal is received under the authority of the Almaguin Municipalities. This information shall be an integral component of the submission. All written Proposals received by the Almaguin Municipalities become a public record. Once a Proposal is accepted by the Almaguin Municipalities and the contract has been awarded, all information contained in the Proposals may be available to the public, including personal information. Questions about the collection of personal information and the Municipal Freedom of Information and Protection of Privacy Act, 1989, R.S.O. 1990, as amended may be directed to the Lead Contact.

1.14 Performance Review

The Almaguin Municipalities will conduct a formal annual performance review with the IC to ensure that the scope of work continues to be met. Informal performance reviews may be conducted by the Almaguin Municipalities, jointly or independently, as the need arises.

1.15 Extension of Contract

The Almaguin Municipalities may, jointly or independently, negotiate the extension of the Contract with the IC for a period of time to be decided by those parties. The decision to extend the Contract may be based in part or in full on the results of the performance appraisals.

1.16 Termination of Contract

The Almaguin Municipalities reserve the right to immediately terminate a Contract with the Successful Bidder for sufficient cause, including but not limited to non-performance, late deliveries, inferior quality, and pricing issues. Either party may terminate a contract by providing the other party with 90 calendar days' written notice including the reason for termination. The decision to terminate the Contract may be based in part or in full on the results of the performance appraisals.

1.17 Additional Requirements

- (a) The use of appropriate and credible sub-contractors by the Bidder to perform portions of the project is permitted only if the Bidder declares such use in the Proposal or if the Successful Bidder receives approval from the individual Almaguin Municipality for which the sub-contractor is required;
- (b) The Successful Bidder shall, throughout the term of the contract, obtain and maintain in force a General Liability Insurance and/or Professional Liability Insurance coverage of not less than \$5,000,000 per occurrence inclusive, to indemnify and hold harmless the Almaguin Municipalities against any liability which may arise from the Successful Bidder's activities under this contract. The Successful Bidder shall provide a certificate of insurance within 30 days of awarding of this contract.
- (c) The successful Bidder shall ensure that all services and products provided in respect to this proposal are done so in accordance with and under the authorization of all applicable authorities, municipal, provincial, and/or federal legislation, including but not limited to WSIB and all applicable responsibilities under Occupational Health and Safety Act.

Section 2 Scope of Work and Project Requirements

2.01 Almaguin Municipalities Description

The Almaguin Municipalities are located in the east portion of the District of Parry Sound in the Province of Ontario. Our 12 municipalities have a combined population of approximately 10,000 people in addition to significant seasonal populations.

Each of the Almaguin Municipalities will have a separate, approved council code of conduct by March 1, 2019.

2.02 Scope of Work

The Almaguin Municipalities seek an IC for a three-year term who shall be responsible for administering each Almaguin Municipality's council code of conduct and conducting investigations in an independent and neutral manner, in accordance with the accountability and transparency provisions of the *Municipal Act, 2001* and the council code of conduct by-laws approved by each Almaguin

Municipality. Bidders must be excellent communicators, possess personal and professional integrity and discretion, and have familiarity with procedures and legal principles related to investigations, particularly evidence gathering, legal interpretation and natural justice.

More specifically, the IC shall:

1. Help to ensure that members of council perform their functions in accordance with the council code of conduct and other procedures, rules or policies governing their ethical behaviour;
2. Provide advice and rulings on ethical challenges, issues and dilemmas upon request by an Almaguin Municipality's Clerk, council or member of council;
3. Deliver an oral presentation to members of the Almaguin Municipal Councils regarding the role of the IC and ethical obligations and responsibilities of each member of council under the code of conduct and any other procedures, rules or policies governing their ethical behaviour;
4. Review a council code of conduct and make recommendations for improvements upon request from an Almaguin Municipality;
5. Serve as an advisor to individual members of council with respect to the council code of conduct, and any procedures, rules and policies of an Almaguin Municipality governing the ethical behaviour, as well as associated policies and by-laws;
6. Function independently from staff and report to each Almaguin Municipality's Council;
7. Investigate complaints and alleged breaches of the council code of conduct.
8. Prepare and deliver an annual report to each Almaguin Municipality's Council containing a summary of activities for that Almaguin Municipality, if any, during the previous calendar year;
9. Serve as a proactive educator for Council, staff and the public with respect to ethical behaviour for members of Council within the Almaguin Municipalities;
10. Other work as may be requested by the Almaguin Municipalities, either individually or jointly.

The Successful Bidder will not be considered an employee of any Almaguin Municipality and therefore is not covered by any employment insurance or workers' safety insurance. The Successful Bidder also agrees to indemnify and hold harmless the Almaguin Municipalities from any liability resulting from negligence by the Bidder or on the Bidder's behalf.

2.03 Almaguin Municipalities Reserved Right to Outside Consultant

The Almaguin Municipalities reserve the right to submit any additional needs, either within or outside of the scope of work contracted through this RFP, to a competitive process. The successful Bidder shall be permitted to submit a bid for any such external competitive process.

Section 3 Proposal Submission Requirements

For the Almaguin Municipalities to evaluate Proposals fairly and completely, Bidders shall provide **all** of the information requested in the format set out in this RFP. Failure to provide all required information as detailed in this section may result in the Bidder being disqualified or scoring poorly in the evaluation.

Each Proponent shall submit **One (1) hard copy and One (1) electronic copy** of their Proposal, containing the following items:

- An indication of the Bidder's understanding of the project scope and requirements, including how each of the specific required services shall be met.
- A description of the Bidder's familiarity and understanding of applicable law and its practice as it relates to the role of an IC.
- A detailed outline of the process and procedures that the Bidder will utilize in providing the services to the Almaguin Municipalities, including but not limited to: the Bidder's intake process for complaints; how a complaint is evaluated; and the investigation process, including timelines.
- A discussion of how the IC will triage, prioritize and balance Almaguin Municipality requests against each other and against requests from other clients, including anticipated response times.
- A detailed list of all applicable costs for the services to be provided, including but not limited to:
 - Hourly Rate
 - Annual Retainer, if applicable
 - Disbursements
 - Applicable mileage, based on the Bidder's location

Section 4 Evaluation of the Proposals

4.01 Evaluation Criteria, Process and Award

As part of the evaluation process, the Almaguin Municipalities may contact one or more Bidders to clarify or obtain more information about their Proposal or to request the Bidder to exhibit or otherwise demonstrate the information contained therein. The purpose of these discussions will be to ensure full understanding of the requirements of the RFP and Proposal. Discussions will be limited to specific sections of the RFP identified by the Evaluation Committee. The Lead Contact and/or the Evaluation Committee will only hold discussions with Bidders who have submitted a proposal deemed to be reasonably acceptable for Award.

The Almaguin Municipalities may make their Award(s) on the basis of the Proposals received without further discussion with the Bidders. Therefore, each initial offer should contain the Bidder's best terms/information, including all required documentation as listed in this RFP.

The Evaluation Committee will recommend Award to each Almaguin Municipal Council for the Bidder achieving the highest combined score based on the rated criteria in **Section 4.02** below.

4.02 Maximum Evaluation Points Summary

| | |
|---|-------------------|
| Understanding of Project and Proposed Plan | 20 points |
| <ul style="list-style-type: none">• Demonstration that the needs of the Almaguin Municipalities are understood and will be met; any features, advantages or approaches uniquely proposed by the Bidder which have or have not been identified in the project description. | |
| Required Services | 30 points |
| <ul style="list-style-type: none">• Demonstration that the Bidder is able to provide the required services | |
| Company Background and Qualifications | 10 points |
| <ul style="list-style-type: none">• The Bidder's experience and knowledge as they relate to the scope of work | |
| Breakdown of Costs | 40 points |
| <ul style="list-style-type: none">• Breakdown of costs and fee schedule are complete and reasonable | |
| Maximum Points Available | 100 points |

The successful Bidder shall be notified of the Award in writing to the address given on the Form of Proposal, and/or may be contacted verbally or electronically by the Lead Contact.

Section 5 Form of Proposal

The Almaguin Municipalities are inviting proposals for the services of an Integrity Commissioner.

I/We, the Undersigned, having examined this Request for Proposals, do hereby offer to enter into an Agreement with the Almaguin Municipalities to provide services under the terms included in this RFP.

I/We _____
(Name-Print) (Position)

of _____
(Company Name)

Dated at _____ this _____ day of _____, 2018.

AUTHORIZED SIGNATURE

STREET ADDRESS

CITY PROVINCE POSTAL CODE

TELEPHONE NO. FACSIMILE NO. E-MAIL ADDRESS

Receipt of any issued addenda shall be acknowledged by initialing in the space provided below.

Addendum No. 1 _____ Addendum No. 2 _____ Addendum No. 3 _____

Signature in the designated space, by an authorized officer of the Bidder's company affirms acceptance of the Request for Proposal requirements set forth in this document, the associated costs attributed to the business arrangement between the Bidder and the Almaguin Municipalities, and hereby certifies that the information supplied in this proposal to be true and complete in all respects.

Company Seal