

Appendix 5 Code of Conduct for Members of the RFP Selection Team

To: Evan Wood, Project Lead, City of Toronto
And to: Rob Lowry, Fairness Monitor and Advisor (P1 Consulting)
Subject: **AFFORDABLE HOUSING RFP 2006-07**

Participant: _____

This Code of Conduct is intended to ensure the highest standards and to maintain the integrity of the Affordable Housing RFP 2006-07 Project (the "Project") procurement process. By having team members disclose relevant personal, occupational or financial connections or interests with potential Proponents, the City of Toronto will ensure that conflicts of interest can be avoided, thereby preserving the objectivity and credibility of the process.

CONDUCT PROVISIONS

"Employees of the City of Toronto are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties for the organization. Employees are required to support and advance the interests of the organization and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the City".¹

In fulfilling my duties as a member of the Project Team, I agree and acknowledge that I shall:

1. act fairly in the conduct of my duties;
2. avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the procurement process is preserved;
3. be independent and impartial;
4. not be influenced by self-interest, outside pressure, political considerations or fear of criticism;
5. not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence my conduct or judgment;
6. treat all interested parties with dignity and respect and perform my duties, being collegial and assisting colleagues through the exchange of views, information and opinions; and
7. act with honesty and integrity, and conduct myself in a manner consistent with the responsibility for maintaining public confidence in the activities of the Project Team.

COMMITMENT TO AVOID CONFLICT OF INTEREST

I am involved in the Project in a manner that provides me with Information that - if provided to one or more Proponents - could provide an unfair competitive advantage, or

I am a member of the Project team, which could involve preparing the RFP, developing the evaluation and scoring processes, evaluating Proposals or recommending the selection of an organisation to provide services to the City as described in the RFP (the "Procurement Process").

I am aware that the City requires the highest ethical conduct from its employees, elected officials and those who do business for the City and requires that conflicts of interest should be avoided.

“A conflict of interest refers to a situation in which private interests or personal considerations may affect an employee's judgement in acting in the best interest of the City of Toronto. It includes using an employee's position, confidential information or corporate time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends or business associates.”²

A conflict of interest includes any situation or circumstance where in relation to the Project, my other commitments, relationships or financial interests:

- could or may be seen to exercise an improper influence over the objective, unbiased and impartial exercise of the City's independent judgment; or
- could or may be seen to compromise, impair or be incompatible with the effective performance of the City's obligations during the Procurement Process or under the Project agreements.

A potential conflict of interest may arise when an individual has a private or personal interest or commitments such as an identified future commitment with an interested or prospective Proponent. A perceived or apparent conflict of interest may exist when a reasonable well-informed person has a reasonable belief that they may have a conflict of interest, even if there is no real conflict.

In order to avoid any conflict of interest, I acknowledge that no individual who has been in the employ of, or a consultant to, a prospective or actual Proponent within one year prior to the publication date of any solicitation documents may serve on any Procurement Process-related Committee. In addition, I acknowledge that Members of any such Committees or evaluation or selection committees must not, either directly or indirectly, accept any material gift, reward or benefit of any kind from any member of any interested organization, special interest group, or interested or prospective Proponent with whom they are brought into contact with by reason of their duties in the Project.

I acknowledge that as a participant in the Procurement Process, which could include the evaluation of bid(s), neither I nor any members of my immediate family are permitted to:

- have any direct or indirect financial interest in the award of a contract to any Proponent;
- be currently retained or employed by, or be a consultant to or under contract to a prospective or actual Proponent;
- be negotiating or have an arrangement concerning future employment or contracting with any prospective or actual Proponent; or
- have any ownership interest in, or be an officer or director of any prospective or actual Proponent.

In connection with the Procurement Process, I shall:

- avoid any Conflict of Interest in relation to the Project;
- disclose to the Project Lead or Fairness Advisor without delay any actual or potential Conflict of Interest that arises during the procurement process; and
- comply with any requirements prescribed by the City to resolve any Conflict of Interest.

“If employees or their family members, friends or business associates have a personal or financial interest that might present a conflict or bias in connection with their duties as city employees, they must report this conflict to their executive directors/general managers or designates in writing.”³



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If any conflict of interest as described above arises during my involvement in the Procurement Process, including the evaluation of bids I will report it immediately in writing to the Project Lead or the Fairness Advisor.

I declare that there is no actual, potential or perceived Conflict of Interest arising out of my participation in the procurement process for this Project, including but not limited to the procurement development and/or evaluation of the bids, except for the following (write "None" if there is no Conflict of Interest):

I understand that I continue to be under an obligation to declare all potential or actual Conflicts of Interest as well as any situation that may be reasonably perceived as a Conflict of Interest that may arise or exist in the future.

COMMITMENT TO MAINTAIN CONFIDENTIALITY

I acknowledge that during the course of the Procurement Process I will acquire certain knowledge or receive certain written or verbal information (collectively, the "Information") which is, non-public and confidential or proprietary to the Proponents responding to the Procurement. I fully understand that if unauthorized parties receive the Information, the interests of either the Proponent or the City may be compromised or severely damaged.

For purposes of this Declaration, the term Information shall include, but not be limited to, the details of the procurement, including draft and final documents, financial and operating information, data, procedures, business processes, and any related supporting documentation (in verbal, printed or electronic form), which may be created by or imparted to the City during the procurement process.

"Employees may not disclose confidential or privileged information about the ... affairs of the organization, or use confidential information to advance personal or others' interests." ⁴

I agree that I will:

- not use the Information, directly or indirectly, for any purpose other than in the Procurement Process;
- not share the Information, directly or indirectly, with anyone outside the Project or the Procurement Process unless directed by the Project Lead;
- not copy or circulate the Information except as a result of the written direction of the Project Lead;
- keep all written Information in my possession in a secure place and manner as directed by the Project Lead; and
- return all written Information to the Project Lead immediately upon request.

I understand that I will use such Information solely for the purpose for which it was first obtained and shall not disclose or utilize it, directly or indirectly, including after expiry or termination of the Procurement Process, except and solely:

1. upon mutual agreement of the parties with interest in or ownership of the Information;
2. as may be required by law or legal process pursuant to an arbitration or to a court in respect of a dispute;
3. to legal counsel or independent accountants representing the City;



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4. as may be required by a municipal or government authority, having first obtained a written confidentiality commitment from such authority; or
5. to the extent that the Information is generally and previously known or available to the public.

I understand that these confidentiality obligations shall be continuing and shall survive the completion of the Procurement Process including the execution of the Project agreements, without limit in time.

“Employees who fail to comply with this [Conflict of Interest] policy are subject to disciplinary action up to and including dismissal.”⁵

My signature below acknowledges that I have received and read this document and that in consideration of my participation in the Project, I agree with its terms.

Print Name

Signature

Date

Witness:

Print Name

Signature

Date

¹ Conflict of Interest Policy - Approved by City Council (Clause 20, Report No. 16 Administration Committee), Date Approved: August 4, 2000

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.