



LOBBYIST REGISTRAR'S REPORT ACTION REQUIRED

Report to Council on an Inquiry: Lobbying during a Toronto Transit Commission Procurement

Date:	April 3, 2012
To:	City Council
From:	Lobbyist Registrar
Wards:	ALL
Reference Number:	

SUMMARY

The attached report is made to Council under § 3-7B of the Toronto Municipal Code and the *City of Toronto Act, 2006*, s. 169. Section 3-7B requires the Lobbyist Registrar to report directly to Council on the investigations and inquiries conducted by her. Subsections 169(4) and (5) provide that if the Lobbyist Registrar ("Registrar") makes a report to City Council in respect of an inquiry, the Registrar may disclose in the report such matters as in the Registrar's opinion are necessary for the purposes of the report; and City Council shall ensure that reports received from the Registrar are made available to the public.

The inquiry concerned a Request for Proposals ("RFP") by the Toronto Transit Commission to provide an open standards based fare system. The Office of the Lobbyist Registrar received information that five lobbyists may have registered to lobby about this RFP. Section 140-41A provides:

140-41A. Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and documents.

The procurement document for the RFP prohibited lobbying by proponents and their representatives. In addition, the TTC Procurement Policy restricted communication about the RFP to a single point of contact.

The Registrar found that the registrations of the proponent and its consultant lobbyist were related to the RFP, and that they lobbied TTC Commissioners about the RFP. This contravened the RFP document and also § 140-41A. In addition, the TTC procurement policy restricted communications about the RFP to a single point of contact. The Registrar revoked (closed) these registrations under § 140-36B of the Lobbying By-law.

The circumstances and history of this RFP were unusual. In June 2011, the TTC adopted the Presto fare collection system and concurrently extended the RFP until November 2011. The proponent in the RFP and its representatives met with TTC Commissioners in relation to the RFP in July 2011. All parties mistakenly believed that these meetings were permitted by the Lobbying By-law. In light of these circumstances, the Registrar took no further action other than close the registrations and make this report to Council.

The findings in this report raise an issue whether the TTC properly interpreted and implemented its procurement policy and RFP document during the course of the RFP. As a result, the Registrar makes Recommendations 2 and 3, below, for consideration by the TTC.

The Registrar found that the subject matter registrations of three other registered lobbyist corporations and one consultant lobbyist were not related to the RFP. These registrations complied with the Lobbying By-law and were permitted to remain open.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. City Council receive the findings in the attached report.
2. The TTC should review its procurement policy, documents and procedures in light of this report.
3. As a best practice, the TTC should seek advice from the Lobbyist Registrar before giving advice about the Lobbying By-law, or refer the parties directly to the Registrar for advice.

Financial Impact

This report has no financial impact.

DECISION HISTORY

The Toronto Municipal Code, Lobbying, § 3-7B and *City of Toronto Act, 2006*, s. 169, provide that the Lobbyist Registrar reports directly to Council on investigations and inquiries conducted by her.

CONTACT

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SIGNATURE

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Lobbyist Registrar

ATTACHMENTS

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