

APPENDIX II

Madam Justice Denise E. Bellamy, Commissioner, Report on Toronto Computer Leasing Inquiry/Toronto External Contracts Inquiry, volume 4 RECOMMENDATIONS, excerpts

LOBBYING

107. There should be no lobbying of any kind at any time during a City procurement process.

PROCUREMENT

BEFORE

Councillors

129. City Council should establish fair, transparent, and objective procurement processes. These processes should be structured so that they are and clearly appear to be completely free from political influence or interference.
130. Councillors should separate themselves from the procurement process. They should have no involvement whatsoever in specific procurements. They have the strongest ethical obligation to refrain from seeking to be involved in any way.
131. Members of Council should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing.
132. Councillors who receive inquiries from vendors related to any specific procurement should tell them to communicate with one or more of the following three people, as is appropriate in the circumstances:
 - a. the contact person in the tender document, in accordance with the contact rules in place
 - b. the fairness commissioner
 - c. the person in charge of the complaints process, as set out in the tender documents

Staff Training

138. Consistent, centrally mandated training in the ethical aspects of procurement should be mandatory for those involved in the procurement process at the City.
157. One senior person on the procurement team should be designated as the contact person in case councillors have questions outside the committee or Council process.

201. The appropriate times and ways to have contact with a bidder should be carefully designed as part of the procurement process, and made very clear to City staff.

DURING

Designated Contact Person

205. When a tender document is publicly released, it should always state the name and full contact information of the person whom prospective bidders can contact with any questions. The tender document should make clear that this is the only City person bidders may contact regarding this tender for the entire procurement process.

Blackout Period

208. Every tender document should contain a definition of the “blackout period” when communication between the City and bidders is prohibited.

AFTER

Complaints

230. To demonstrate its commitment to maintaining integrity and transparency in the procurement process, the City should have a comprehensive bidder complaints policy.
231. A bidder should not be allowed to file a formal complaint without having made a post-debriefing submission to the City.
232. Councillors should not act as advocates for aggrieved bidders.
233. The City should adopt a formal two-stage process to manage bidder complaints, to replace the current standing committee/deputation approach.