



LOBBYIST REGISTRAR'S REPORT ACTION REQUIRED

Report to Council on an Inquiry: Lobbying in relation to a Procurement Process for Beverage Services

Date:	October 18, 2012
To:	City Council
From:	Lobbyist Registrar
Wards:	All
Reference Number:	

SUMMARY

This 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.

This report concerns an inquiry conducted by the Registrar to determine if a proponent in a procurement process for beverage services had breached the Lobbying By-law (Chapter 140, Toronto Municipal Code) by providing a confidential letter that was part of a procurement process to a member of Council. Section 140-41A of the Lobbying By-law prohibits lobbyists from communicating about a procurement process except as permitted by procurement policies and documents.

Both the proponent and the member of Council confirmed that the letter had been provided by the proponent to the member of Council at the member’s request, after the member of Council called the proponent to inquire about a staff report to Government Management Committee recommending the award of the contract to a different proponent.

The Registrar found that the proponent breached § 140-41A. In this case, the procurement policy and RFP document prohibited communication with the member of Council about the procurement process until the contract was awarded.

The proponent explained that the communication was initiated by the member of Council. The proponent mistakenly believed that the procurement process had ended. The proponent and the member of Council co-operated fully with the inquiry. In these circumstances, the Registrar took no further action, other than to provide this report to Council. The Registrar also advised the proponent that compliance with the Lobbying By-law is required of all lobbyists, and that breach of the Lobbying By-law is a provincial offence.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. City Council receive the findings in the attached report.

Financial Impact

This report has no financial impact.

DECISION HISTORY

The Toronto Municipal Code, Lobbying, § 3-7B, provides that the Lobbyist Registrar reports directly to Council on investigations and inquiries conducted by her.

CONTACT

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SIGNATURE

Linda L. Gehrke, Lobbyist Registrar

ATTACHMENTS

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