

## **Report on an Inquiry for Prohibited Communications on a Request for Proposal**

**Date:** December 6, 2022  
**To:** City Council  
**From:** Lobbyist Registrar  
**Wards:** All

### **SUMMARY**

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Lobbyists are required to register and report communications with public office holders about the procurement of goods, services or construction and awarding of a contract, on the public, online Lobbyist Registry (the "Registry") according to Chapter 140 of the Toronto Municipal Code, Lobbying (the "Lobbying By-law"). Lobbyists are required to report all lobbying communications on their registration within three business days after the lobbying occurs. However, the Lobbying By-law restricts communications during an active procurement to only those permitted by the Toronto Municipal Code, Chapter 195, Purchasing (the "Purchasing By-law"), applicable procurement policies and procurement documents (solicitations).

From the time the solicitation is issued, through to the time of the formal acceptance of a bid, and the resulting signed written contract between the City and the successful supplier (the "Blackout Period"), communications regarding the procurement are restricted to the Chief Purchasing Official (the "CPO") or the employee specifically designated for that purpose in the solicitation (the "City Contact").

Communications with any public office holder, other than the CPO or the City Contact during the Blackout Period, are contraventions of the Lobbying By-law. Compliance with the Lobbying By-law, and all relevant procurement rules are required to preserve both lobbying transparency and the integrity of the City's procurement processes.

### **RECOMMENDATIONS**

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The Lobbyist Registrar recommends that:

1. City Council receive this report for information.

## **FINANCIAL IMPACT**

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This report has no financial impact.

## **DECISION HISTORY**

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The City of Toronto Act, 2006, s. 169 and Toronto Municipal Code, s. 3-7B, provide that the Lobbyist Registrar may report to City Council on inquiries conducted by her, and in the report may disclose such matters as in the Registrar's opinion are necessary for the purposes of the report.

## **COMMENTS**

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The Blackout Period on lobbying articulated in S. 140-41A of the Lobbying By-law is integral in ensuring the ethical operation of the City's procurement process. To operate at its most robust it must be clear to the public, the profession and to public office holders, what triggers and ends a Blackout Period. This matter is being reported to highlight a trigger few were aware of and to give notice that the TLR and PMMD are working together to ensure that their complimentary By-law sections and documentation on the subject of the Blackout Period are updated to reflect the Notice of Intended Procurement as one such trigger.

## **CONTACT**

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## **SIGNATURE**

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Cristina De Caprio  
Lobbyist Registrar

## **ATTACHMENTS**

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Attachment 1: Report to Council on an Inquiry for Prohibited Communications on a Request for Proposal