



## Exhibition Place

### **Lobbying Disclosure for Requests / Proposals and Tenders / Quotations Policy**

**Effective Date: January 1, 2017**

**Policy Type: Corporate**

### **Policy Statement**

---

This policy addresses the lobbying disclosure processes followed by Exhibition Place for certain requests for proposals and tender / quotation calls.

#### **Application**

Lobbying disclosure shall apply to all competitive Requests or Calls of any dollar value excluding Sole Source Purchases or Departmental Purchase Orders.

#### **Definitions**

##### **Bid –**

A formal response submitted to a Request for Quotation or Tender or Request for Proposal.

##### **Bidder –**

Any legal entity submitting a competitive Bid in response to a Call, Request for Quotation or Request for Proposal

##### **Call –**

A Solicitation to external suppliers or providers to submit a Tender.

##### **City PMMD –**

The City of Toronto Purchasing and Materials Management Division

##### **Lobbying –**

Oral or written communications by Bidders/Proponents and/or representatives employed or retained by them, with members of the Board of Governors, Council, City and Board officials, and staff, in order to promote or oppose any Bidder or Proponents, as the case may be, responding to a Call or Request from PMMD or Exhibition Place

**Proponent –**

Any legal entity submitting a Proposal in response to a Request Proposal - An offer to furnish goods, services or construction, including professional or consulting services, as a basis for negotiations for entering into a contract

**Purchasing Agent –**

The Director of PMMD or the Purchasing Manager for Exhibition Place as the case may be

**Quotation –**

An offer to buy or supply specified goods or services at a price fixed as to the total amount or on a unit basis, or both;

**Request –**

A Solicitation from the City or Exhibition Place to external suppliers or providers to submit a Bid or Proposal

**Sole Source –**

Purchases made to one vendor for proprietary/patent/copyright reasons or the CEO has determined an emergency exists.

**Solicitation –**

The process of notifying prospective bidders or proponents that the City or Exhibition Place wishes to receive offers through a Bid or Proposal.

**Conditions**

To enhance transparency in competitive procurement awards through a lobbying disclosure process for certain competitive Requests for Proposals and Tender and Quotation Calls issued by Exhibition Place or by City PMMD on behalf of Exhibition Place.

**Implementation**

**1. Process to Apply Criteria**

- 1.1. All Requests or Calls issued by City PMMD on behalf of Exhibition Place or directly by Exhibition Place shall include a statement which advises Proponents or Bidders that they are required to ensure that no communication is made by the bidder/proponent or its representatives, including a third party representative employed or retained by it to promote or oppose any bid/proposal unless such communication, relating to all meetings, written correspondence and telephone discussions that the representative has had with any Member of the Exhibition Place Board, Member of City Council, City or employee, appointed member of any City

boards, agency, commission, task force, or related organizations, is disclosed by the filing of a disclosure form in accordance with this policy and that any false or misleading disclosure or nondisclosure may affect the award of future contracts. Proponents or Bidders shall also be informed that failure to file a completed form (non-disclosure) shall be assumed to mean that no lobbying has been conducted by the Proponent or Bidder, its employees or representatives.

- 1.2. For Requests for Calls through City PMMD or by Exhibition Place, disclosures of Lobbying are to be submitted on a form to be approved by the City Clerk from time to time. Forms must be up-to-date to the time of the meeting where the award will be made and filed with the City Clerk up to the time of the meeting where the award of the Request or applicable Call will be made.
- 1.3. Disclosures are to contain the following information:
  - i. the name, address and telephone number of the Proponent or Bidder;
  - ii. the name, address and telephone number of each person retained, employed or designated;
  - iii. by such Proponent or Bidder who has engaged in Lobbying in relation to the Proposal or Bid;
  - iv. the Request or Call document number in respect of which each person retained, employed or designated by such Proponent or Bidder has engaged in Lobbying;
  - v. a description of the general nature of communications that each person retained, employed or designated by such Proponent or Bidder has made in Lobbying; and
  - vi. the name of the person and department before whom such Proponent or Bidder has engaged in Lobbying.

## **2. Availability of Disclosure Information**

- 2.1. The City Clerk will provide the disclosure information upon request to any members of the Exhibition Place Board, Council, City staff or the public.
- 2.2. The City Clerk shall post disclosure information on the City's Website.

## **3. Insufficient Disclosure**

- 3.1 Where a Proponent or Bidder has not fully disclosed Lobbying in accordance with this policy, or made false or misleading statements in any disclosure form filed with the City Clerk, any Proposal or Bid received from the Proponent or Bidder, as the case may be, shall not be considered for award in any further Request or Call for a period of one year from the time of such non-disclosure or false disclosure coming to the attention of the

Purchasing Agent, unless such Proposal or Bid is approved by Council pursuant to a report from the Board setting out the extent and nature of any non-disclosure or false or misleading disclosure.

- 3.2 Where a Proponent or Bidder is alleged not to have fully disclosed Lobbying or to have made false or misleading disclosure in respect of a Proposal or Bid, the Purchasing Agent shall investigate at the request of Exhibition Place, the allegation and make a determination whether in fact such has occurred.

#### **4. Lobbying Prohibition**

Despite the contents of this policy, Exhibition Place reserves the right to invoke a “prohibition” requirement in any competitive Call or Request, namely, a “no lobbying” provision to the effect that a Bidder or Proponent and representatives employed or retained by it, can only make presentations and present their arguments advancing or opposing a Call / Request in a public deputation to the Exhibition Place Board or to the media, and any contract party identified in the competitive Call or Request.