

---

**Subject:** Award of Request for Proposal for Integrity Commissioner Services

**Report to:** Regional Council

**Report date:** Thursday, September 22, 2022

---

## **Recommendations**

1. That Regional Council **APPROVE** the award of 2021-RFP-156 to ADR Chambers Inc. to provide Integrity Commissioner Services for The Regional Municipality of Niagara for a term concluding on March 31, 2024 with an option to extend from April 1, 2024 to October 31, 2027;
2. That Michael L. Maynard of ADR Chambers Inc., **BE APPOINTED** Integrity Commissioner for The Regional Municipality of Niagara;
3. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the necessary agreement with ADR Chambers Inc. in a form satisfactory to the Director of Legal and Court Services; and
4. That the necessary by-law to appoint Michael L. Maynard and to repeal By-law 2021-37 **BE PRESENTED** to Council for passage upon execution of the agreement.

## **Key Facts**

- The purpose of this report is to seek Council's approval to recommend the award of RFP for Integrity Commissioner Services to ADR Chambers Inc.
- On January 17, 2019, Regional Council approved an extension of the current contract with ADR Chambers Inc., for the then Integrity Commissioner Edward T. McDermott to continue as Integrity Commissioner until March 31, 2023.
- On May 21, 2021, Mr. McDermott advised the Regional Chair of his intention to retire from his position as Integrity Commissioner for Niagara Region and on June 24, 2021, Regional Council approved the appointment of Michael L. Maynard of ADR Chambers Inc., as the interim Integrity Commissioner in order to allow a competitive procurement process for Integrity Commissioner services to be undertaken.
- In accordance with the legislation, Council must have an Integrity Commissioner appointed or shall make arrangements for all of the responsibilities under Section 223.3(1) of the Act, to be provided by a Commissioner of another municipality.

- An open competitive RFP process for integrity commissioner services (2021-RFP-156) was undertaken, resulting in ADR Chambers Inc. being the highest scoring proponent and Staff is recommending the award of the RFP accordingly.

## **Financial Considerations**

Integrity Commissioner services are billed to the Region on an hourly rate when utilized and vary depending on how often the services are used and this arrangement would remain in place during the term of the Integrity Commissioner. The rates proposed by ADR Chambers Inc. in 2021-RFP-156, remain unchanged from their current contract:

Principal Services - \$350.00 per hour

Associate Services - \$275.00 per hour

Expenditures incurred for investigations, advice and/or reports by the Integrity Commissioner are expensed through the Clerk's Office yearly operating budget which allocates \$50,000 for Integrity Commissioner services. In 2019, the amount spent was \$28,961.46, in 2020 \$12,745.47, in 2021 \$106,079.92 and to date in 2022 \$24,895.63. The 2022 amount includes the code of conduct reviews and a complaint that was submitted in 2021 but not completed until 2022.

## **Analysis**

The role of the Integrity Commissioner is set out in Part V.1 of the Municipal Act, 2001 (the Act). In addition to enforcing and providing advice related to the Code of Conduct for Members of Council and Local Boards and Public Members on Region Committees, the Integrity Commissioner is also responsible for investigations related to conflicts of pecuniary interest in accordance with Section 223.4.1(1) of the Act and to provide advice to members of Council and Local Boards regarding the Municipal Conflict of Interest Act. The Integrity Commissioner is required to report to Council and is responsible for performing, in an independent manner, the functions assigned by the municipality with respect to the application of the applicable codes of conduct.

On June 24, 2021, Regional Council approved the appointment of Michael L. Maynard as interim Integrity Commissioner as a result of the retirement of the Region's Integrity Commissioner, Edward T. McDermott. The appointment of an interim Integrity Commissioner allowed for a competitive procurement process be undertaken to secure a permanent Integrity Commissioner.

Request for Proposal Contract 2021-RFP-156 was issued to the market on July 15, 2022 via Niagara Region's Electronic Bidding Platform and closed on August 10, 2022. All technical proposal submissions were evaluated by the Regional Clerk, Director of Legal and Court Services and the Chief of Staff, Governance.

Upon completion of the consolidated technical evaluation, it was determined that only ADR Chambers Inc. met the technical requirement of the proposal and were permitted to move forward to an interview. The interview took place on September 9, 2022. After the completion of the interview and related evaluation; the financial envelope was opened by Procurement staff and the scores evaluated and finalized, with ADR Chambers Inc. being the highest scoring proponent and therefore recommended for award.

ADR Chambers Inc., (ADR Chambers or ADRC) is a corporation with a roster of approximately 60 experienced neutrals who specialize in investigations, integrity commissioner and ombuds services, arbitration, mediation, and other forms of dispute resolution.

Currently ADR Chambers provides Office of the Integrity Commissioner services to 24 municipalities and three school boards in Ontario. Their integrity commissioners and investigators have significant experience applying Codes of Conduct and municipal procedures governing the ethical behaviour of members of council and local boards.

ADR Chambers Inc., recommends Michael Maynard for appointment as Integrity Commissioner based on his qualifications and experience with investigations (including related to Niagara Region). Mr. Maynard has mediated more than 2,000 private and public disputes and is the ADR Chambers Integrity Commissioner for the Durham District School Board, Toronto District School Board as well as the Town of Grimsby. He is also an investigator for the ADR Chambers Ombuds Office for banking and municipal matters. Given Mr. Maynard's qualifications and experience as evaluated as part of this RFP, staff are recommending his appointment as Integrity Commissioner.

The term for this contract ends on March 31, 2024; however, the Request for Proposal also allows for an extension, at the option of the Region, for the period from April 1, 2024 to October 31, 2027.

In addition, ADR Chambers Inc. has acknowledged through their submission that their services could be utilized by lower tier municipalities and local boards and agencies at the rates provided in their Financial Proposal submission. In fact some local area

municipalities have made use of this provision previously as a similar arrangement was included in the current Integrity Commissioner services contract.

### **Alternatives Reviewed**

In accordance with the legislation, Council must have an Integrity Commissioner appointed or shall make arrangements for all of the responsibilities under Section 223.3(1) of the Act, to be provided by a Commissioner of another municipality.

### **Relationship to Council Strategic Priorities**

By ensuring the continuity of Integrity Commissioner services, the public can be assured that an independent body is in place, as required by legislation, to support members of Council, the Region's Local Boards and public members on Niagara Region Advisory Committees in interpreting applicable Codes of Conduct and the Municipal Conflict of Interest Act. This award appointment will ensure access to a publically available accountability officer to support the Code of Conduct complaint procedure and process and aligns to Council's strategic priority of a sustainable and engaging government.

The Integrity Commissioner is also responsible for providing education as part of their services, such as the preparation of an annual report to Council which is a further opportunity to increase public awareness of Council's obligations under the Code of Conduct and the Municipal Conflict of Interest Act.

### **Other Pertinent Reports**

GM 2-2017 Award of Request for Proposal for Integrity Commission Position for the Niagara Region

CLK 3-2019 Extension of Integrity Commissioner Contract

CLK 7-2021 Appointment of Interim Integrity Commissioner

---

**Prepared and Recommended by:**  
Ann-Marie Norio  
Regional Clerk

---

**Submitted by:**  
Ron Tripp, P. Eng.  
Chief Administrative Officer

*This report was prepared in consultation with Donna Gibbs, Director, Legal & Court Services, and Jeff Mulligan, Procurement Manager.*

## **Appendices**

N/A