



YONGE-DUNDAS SQUARE LOBBYING POLICY

GENERAL

Lobbying is usually defined as direct or indirect efforts to solicit support and influence decisions on behalf of a party or an organization, often away from public scrutiny. Lobbying activity is to be distinguished from routine advice seeking by members of the public, or contacts by members or employees of organizations conducting official business. Lobbying is also distinguishable from matters that are the subject of deputations to the Board or its committees, or other processes that are a matter of public record where individuals are named and their interest and organizational affiliation identified.

The term lobbyist includes the following:

- (a) "consultant lobbyist" means a person who, for payment, lobbies on behalf of a client and includes, but is not limited to, government relations consultants, lawyers, accountants, or other professional advisors who provide lobbying services for their clients;
- (b) "corporate in-house lobbyist" means an employee of a corporation that carries on commercial activities for financial gain and who lobbies as a significant part of their duties;
- (c) "organization in-house lobbyist" means an employee of a non-profit organization, when one or more employees lobby public office holders and where the accumulated lobbying activity of all such employees would constitute a significant part of the duties of one employee; and
- (d) "volunteer lobbyist" means a person who lobbies without payment on behalf of an individual, corporation, or organization.

Yonge-Dundas Square Board members and employees shall be vigilant in their duty to serve public interests when faced with lobbying activity. Board members and employees can use the following as a guide to assist in identifying whether they are being lobbied:

- (a) During the past year, has the contact person attempted to influence you personally, for example, in any administrative action that would have benefited him or her or his or her employer financially?
- (b) Does the contact person do business or seek to do business with the Square?
- (c) Is the contact person seeking to influence outcomes outside of Board and committee meetings on a matter involving, for example, a license, permit or other entitlement for use currently pending before the Square?
- (d) Is the contact person a provincially or federally registered lobbyist employer or a client of a registered lobbyist? (Refer to the respective web sites)
- (e) Is the contact person a provincially or federally registered lobbyist or lobbying firm? (Refer to the respective web sites)
- (f) Does the contact person fall within the definitions provided above?

LOBBYING DISCLOSURE POLICY FOR REQUESTS FOR PROPOSALS AND TENDER/QUOTATION CALLS

1.0 Purpose:

To enhance transparency in competitive procurement awards through a lobbying disclosure process for competitive Requests for Proposals and Tender and Quotation Calls issued by the Yonge-Dundas Square.

2.0 Application:

Lobbying disclosure shall apply to all competitive Requests or Calls issued by Yonge-Dundas Square of any dollar value, excluding Sole-Source purchases or Purchase Orders made in accordance with approved policies.

3.0 Definitions:

3.1 All references in Italics below refer to definitions contained within Chapter 195 (Purchasing) of the City of Toronto Municipal Code, as amended from time to time.

3.2 In this policy:

“Bid” means a formal price response to a Call issued by Yonge-Dundas Square;

“Bidder” means any legal entity submitting a competitive Bid in response to a Call by Yonge-Dundas Square;

“Call” means a *Solicitation* from the Yonge-Dundas Square to external suppliers or providers to submit a *Tender* or a *Quotation*;

“Lobbying” for the purposes of this policy, means oral or written communications by Bidders/Proponents and/or representatives employed or retained by them, with Board members and staff, in order to promote or oppose any Bidder or Proponent, as the case may be, responding to a Call or Request;

“Proponent” means any legal entity submitting a Proposal in response to a Request issued by Yonge-Dundas Square;

“Proposal” means an offer to furnish goods, services, or construction, including professional or consulting services, as a basis for negotiations for entering into a contract;

“Quotation” means 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” means a *Solicitation* from Yonge-Dundas Square to external suppliers or providers to submit a Proposal;

“Sole Source” means purchases made from one vendor for proprietary, patent, or copyright reasons, or the where the Board or Executive Committee has determined emergency exists; and

“Tender” means an offer in respect of a project at a price fixed as to total amount or on a unit basis, or both, and where all of the material terms, conditions, and specifications to be met for the project, aside from price and, in some cases, time for completion, are contained in the Call and determined at the time a bid is opened so that there is no prospect of negotiations between the parties.

“Yonge-Dundas Square” means the Board of Management and its employees.

4.0 Process to Apply Criteria:

4.1 All Requests or Calls issued by Yonge-Dundas Square and subject to this policy (see Section 2.0), 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 Board member or employee - is disclosed by the filing of a disclosure form in accordance with this policy, and that any false or misleading disclosure or non-disclosure 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 its representatives.

4.2 Disclosures of Lobbying are to be submitted on a form by Bidders/Proponents to be approved by the Board Secretary from time to time (“the disclosure form”). Where there is a meeting of the Board or Executive Committee at which an award will be made in respect of a Call/Request, the disclosure forms must be up-to-date to the commencement of the time of the meeting at which the award will be made and must be filed with the Board Secretary at or before that time.

Where there is not a set meeting of the Board or Executive Committee to make an award, by virtue of a delegated authority to staff to make commitments (i.e. for contracts under \$2,500.00), Bidders/Proponents are nonetheless expected to comply with this policy by filing with the Board Secretary the disclosure form up to-date until the time of contract award determined by Yonge-Dundas Square. Bidders and Proponents are responsible for contacting staff to ascertain award status and timing for the purpose of compliance with this policy.

4.3 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 by such Proponent or Bidder who has engaged in Lobbying in relation to the Proposal or Bid;
- (iii) the Request or Call document title in respect of which each person retained, employed, or designated by such Proponent or Bidder has engaged in Lobbying;
- (iv) 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
- (v) the name of the Board Member or employee before whom such Proponent or Bidder has engaged in Lobbying.

5.0 Availability of Disclosure Information:

5.1 The Secretary will provide the disclosure information upon request.

6.0 Insufficient Disclosure:

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

6.2 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 staff shall investigate the allegation and make a determination whether in fact such has occurred.

7.0 Lobbying Prohibition:

7.1 Despite the contents of this policy, the Board 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 representations and present their arguments advancing or opposing a Call/Request in a deputation to the Board or its committees, or to the media, and any designated contact party identified in the competitive Call or Request.

**APPENDIX A
LOBBYIST DISCLOSURE FORM**

Proponents and Bidders are advised 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 (all meetings, correspondence, and telephone discussions that the representative has had with any Yonge-Dundas Square Board member or employee) is disclosed by the filing of this disclosure form. Any false or misleading disclosure or non-disclosure may affect the award of future contracts. Failure to file shall be assumed to mean that no lobbying has been conducted by the Proponent or Bidder, its employees, or its representatives.

Title of Call, Quotation or Tender
Bidder/Proponent Name, Business Address, and Telephone Number
Names, Business Addresses, and Telephone Numbers of each of Bidder/Proponent's Representatives
Names of Yonge-Dundas Square Board members or employees contacted, other than the specified contact person, regarding this Call, Quotation or Tender. Contact includes but is not limited to meetings, correspondence, and telephone conversations.