



Addendum to the Regional Council Agenda

Regional Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Wednesday, September 25, 2019

9:30 AM

6. Communications

CC 41 Memorandum dated September 20, 2019 from Elaine Baxter-Trahair, Chief Administrative Officer, re: Region of Durham's Organics Management Strategy Anti-Lobbying Policy

Recommendation: Receive for information

Pages 95 a) – 95 b)

MEMORANDUM



TO: Members of Regional Council

FROM: Elaine Baxter-Trahair, Chief Administrative Officer

DATE: September 20, 2019

**SUBJECT: REGION OF DURHAM'S ORGANICS MANAGEMENT
STRATEGY ANTI-LOBBYING POLICY**

As outlined in Report Number 2019-COW-22, the Region has now retained external legal counsel and an independent third-party fairness monitor to assist with and oversee the Region's long-term organics waste management solution ("Project"). The chosen incumbents were Weir Folds LLP (legal) and P1 Consulting Inc. (fairness monitor). As anticipated, both P1 Consulting Inc. and Weir Folds LLP have endorsed the attached anti-lobbying policy for immediate implementation in advance of the forthcoming procurement process for the Project and/or negotiations with Epcor.

As such, we respectfully request that members of Council strictly adhere to the policy, as well as sections 1.2B and 13.1 of the Code of Conduct, to protect the integrity of the process.

We thank you for your continued support and cooperation in this matter.

**ANTI-LOBBYING POLICY FOR THE REGION'S ORGANICS WASTE
MANAGEMENT PROJECT**

- (1) In advance of a formal procurement process for the Regional Municipality of Durham's ("Region") long term organics waste management solution ("Project"), members of Regional Council, Regional Staff and/or contractors/agents engaged by the Region shall: 1) not undertake or participate, directly or indirectly, in any communications with third-parties about information that is related to the Project, the Project's procurement process or negotiations with Epcor Utilities Inc. ("Epcor") which is not available to the public; and 2) shall keep confidential, and not disclose, any confidential information concerning the Project, the Project's procurement process or negotiations with Epcor.
- (2) It is understood that any third party or their representatives who engages in any form of lobbying or any improper attempt to influence the outcome of the Project's competitive procurement process or negotiations with Epcor may be disqualified from participating in the Project's procurement process and subject to any legal consequences arising out of such actions.
- (3) If approached by any third-party, or their representative, about the Project's procurement process or negotiations with Epcor, members of Region Council, Regional Staff and/or contractors/agents shall: 1) not provide any information about the Project that is not publicly available; 2) caution the third-party that any such discussions could disqualify them from the forthcoming procurement process and lead to other legal consequences for them, and that you are under an obligation to report the discussion; 3) direct them to Kelly Macpherson, Procurement Officer, Finance Department at PurchasingHelp@durham.ca for any further inquiries; and 4) send an email to Kelly Macpherson Procurement Officer, Finance Department at PurchasingHelp@durham.ca outlining the parties to the conversation and nature of the discussion.

Original Signed by

Elaine Baxter-Trahair
Chief Administrative Officer