

Swansea Town Hall 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 Swansea Town Hall.

2.0 Application:

Lobbying disclosure shall apply to all competitive Requests or Calls issued by Swansea Town Hall.

3.0 Definitions:

3.1 In this policy:

“Bid” means a formal price response to a Call issued by the Swansea Town Hall;

“Bidder” means any legal entity submitting a competitive Bid in response to a Call by the Swansea Town Hall;

“Call” means a Solicitation from the Swansea Town Hall 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 members of Swansea Town Hall Board of Management, and staff, in order to promote or oppose any Bidder or Proponent, as the case may be, responding to a Swansea Town Hall Call or Request;

“Preference” means that bidders who have a long history of volunteering, or using programs or supporting the Swansea Town Hall, and who have received no remuneration and who have not participated in Lobbying for business or favour, at any time, will be considered first. As a local economic development opportunity, local businesses submitting bids will be given consideration prior to soliciting external bids;

“Proponent” means any legal entity submitting a Proposal in response to a Request issued by the Swansea Town Hall;

“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 the Swansea Town Hall to external suppliers or providers to submit a Proposal;

"Sole Source" means purchases made to one vendor for proprietary, patent, copyright reasons or the Executive Director has determined an 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.

4.0 Process to Apply Criteria

4.1 All Requests or Calls issued by Swansea Town Hall on behalf of the board 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 Member of the Swansea Town Hall Board of Management and/or any Swansea Town Hall employees or Swansea Town Hall representatives, 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 representatives.

4.2 Disclosures of Lobbying are to be submitted on a form by Bidders/Proponents to be approved by the Swansea Town Hall Board from time to time ("the disclosure form"). Where there is a meeting of the Board at which the Board will be making an award in respect of a Call/Request or, alternatively, a meeting of a committee of the Board or other committee which has delegated authority to make an award 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 Executive Director at or before that time.

Where there is not a set meeting of the Swansea Town Hall Board or its committees to make an award, by virtue of a delegated authority to staff to make commitments (i.e. for contracts under \$7,500.00 or items that are within approved budgets), Bidders/Proponents are nonetheless expected to comply with this Policy by filing with the Executive Director the disclosure form up to-date until the time of contract award determined by Swansea Town Hall Bidders and proponents are responsible for contacting Executive Director 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 number 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 person and department before whom such Proponent or Bidder has engaged in Lobbying.

5.0 Availability of Disclosure Information

5.1 The Executive Director will provide the disclosure information upon request to any members of Council, the Board of Management, City staff or the public.

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 Executive Director, 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 Executive Director, unless such Proposal or Bid is approved by the Board pursuant to a report from the Executive Director or Committee of the Board 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 Purchasing Agent 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 of Management 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 Swansea Town Hall or its committee's issued Call/Request in a public deputation to the Swansea Town Hall under the provisions of the Swansea Town Hall constitution, or to the media, and any designated contact party identified in the competitive Call or Request.