



ADR
CHAMBERS
MEDIATORS • ARBITRATORS

PROPOSAL FOR
THE REGIONAL MUNICIPALITY OF NIAGARA

FOR THE POSITION OF INTEGRITY COMMISSIONER

Request for Proposal

Thursday, April 20, 2017
2:00 p.m., Local Time

SUBMITTING: Nine (9) hard copies, including one labeled “Master”,
and one electronic copy of the proposal saved on a USB key.

PROPONENT’S NAME:

ADR Chambers Inc.
180 Duncan Mill Road, 4th Floor
Toronto, Ontario, M3B 1Z6
Tel: (416) 307-0002
Fax: (416) 307-0011
Email: allan@adr.ca
Authorized Representative: Allan Stitt

DELIVER TO:

THE PURCHASING OFFICE
The Regional Municipality of Niagara
Campbell West Building
1815 Sir Isaac Brock Way
Thorold, Ontario, L2V 4T7



ADR CHAMBERS PROPOSAL

Thank you for the opportunity to submit a proposal to the Regional Municipality of Niagara respecting the position of an Integrity Commissioner.

Mandatory Requirement #1 (Form of Proposal (Appendix B)) is attached hereto at **Schedule A**.

Mandatory Requirement #2 (Pricing Form (Appendix C)) is enclosed in a separate sealed envelope marked "Pricing Envelope" as directed in the RFP.

INTRODUCTION TO OUR COMPANY

ADR Chambers Inc. ("ADRC") has a panel of dispute resolution experts who provide dispute resolution and investigation services. ADRC opened in 1994 and, in 2004, it merged with the Stitt Feld Handy Group to create the leading alternative dispute resolution firm in the country. The Stitt Feld Handy Group has trained over 38,000 people worldwide in negotiation and conflict resolution processes and techniques. In 2010, ADRC also merged with Dispute Resolution Services, another provider of mediation and arbitration services, and is now one of the largest providers of dispute resolution and third party neutral services in North America. ADRC has approximately 50 full-time employees and 40 active panel members. Many of our panel members have conducted investigations and many have experience in municipal law.

We were responsible for administration of the Office of the Integrity Commissioner ("OIC") for the City of Brampton from 2011 to 2014. We have served as Integrity Commissioner for the City of Markham since July 2013; for the City of Kitchener since July 2016; and for the City of Waterloo since October 2016. We were appointed as Integrity Commissioner for the Township of Woolwich in March 2017.

In December 2015, ADRC was appointed as the Ombudsman for the Regional Municipality of Halton and for the Regional Municipality of York. We have been providing Municipal Ombudsman Services as of January 1, 2016. We were appointed as the Ombudsman for the Regional Municipality of Durham in July 2016.

We also run the ADR Chambers Banking Ombuds Office ("ADRBO"), which reviews decisions of the Royal Bank of Canada, TD Bank, and DirectCash Bank when customers of those banks are not satisfied with the outcome of their bank's internal Ombudsman process. Following an investigation of a complaint, our investigators may make non-binding recommendations to the bank.

PROPOSED INTEGRITY COMMISSIONER

We propose **Edward T. McDermott** to be the Region's Integrity Commissioner.

Mr. McDermott is an investigator, mediator and arbitrator with ADRC. He has over 35 years of negotiation, mediation, arbitration and legal experience. Mr. McDermott retired as a senior partner of the law firm Osler, Hoskin and Harcourt LLP, where he built an active labour and employment law practice from 1974 to 2009.

As part of his Ombuds and Integrity Commissioner work, Mr. McDermott has conducted numerous mediations, investigations and workplace restoration projects in both the private and public sectors and has been instrumental in helping to resolve many of these disputes. Mr. McDermott is a member of the discipline hearings panel of the Investment Industry Regulatory Organization of Canada ("IIROC") with responsibility for adjudication on complaints filed against members of the investment industry.

Mr. McDermott was the Deputy Integrity Commissioner for the OIC for the City of Brampton and is on our rosters for the provision of Integrity Commissioner services and municipal Ombuds services. He has represented several municipalities, including the City of Toronto for 25 years; the Regional Municipality of Durham; and the Regional Municipality of York. Mr. McDermott also serves as part-time Vice Chair of the Ontario Labour Relations Board.

Mr. McDermott received his B.A. from the University of Toronto in 1964, and his LL.B. from Osgoode Hall in 1967. He was called to the Bar in 1969, and was then appointed to and served as law clerk to the Chief Justice of the High Court for the Supreme Court of Ontario. Mr. McDermott has consistently been named as one of Canada's top 500 lawyers in Lexpert/American Lawyer Media Guide to the Leading 500 Lawyers in Canada, and a leading labour lawyer in Canada in many other publications.

Please find a copy of Mr. McDermott's biography attached to this proposal at **Schedule B**.

PROPOSED ASSOCIATES

We propose the following Associates or Investigators to assist Mr. McDermott in carrying out his responsibilities as Integrity Commissioner for the Regional Municipality of Niagara:

- **Ben Drory** is a mediator, arbitrator, and investigator with ADRC. He has worked as an investigator with the ADRBO and is its current Compliance Officer. He also currently serves as the Lead Investigator for the OIC for the City of Markham. Mr. Drory earned J.D. and M.B.A. degrees from the University of Toronto, and was called to the Ontario Bar in 2004. He is designated as a Qualified Mediator

(Q.Med.), Qualified Arbitrator (Q.Arb.), and as a Certified Coach Practitioner (C.C.P.).

- **Deborah Anschell** is a mediator, arbitrator, and investigator with ADRC. She serves as an investigator for the ADRBO, and is the Lead Investigator for the OIC for the City of Waterloo. She has 20 years of litigation experience, both in private practice and as corporate counsel. She is also a Deputy Judge of the Ontario Small Claims Court. Ms. Anschell earned her LL.B. at the University of Toronto in 1982, and her LL.M. in ADR at Osgoode Hall Law School in 1998.
- **Marshall Schnapp** is an arbitrator, mediator, and investigator with ADRC. He formerly served as an investigator with the College of Nurses of Ontario. He is the Ombudsman for the ADRBO and for our Municipal Ombuds Services, previously having served as an investigator for these programs. Mr. Schnapp is also an investigator for ADRC's OIC. Prior to joining ADRC, Mr. Schnapp established a conflict management practice. Mr. Schnapp earned his law degree and Master of Laws in Alternative Dispute Resolution at Osgoode Hall Law School.

Copies of our Proposed Associates' biographies are attached to this proposal at **Schedule C**.

1. Qualifications and Experience – Investigative Experience

Example #1 – Office of the Integrity Commissioner

Mr. McDermott's previous experience in ADRC's OIC demonstrates his impartiality and neutrality, his confidentiality in managing sensitive inquiries; his expertise with investigative techniques and procedures and in gathering of evidence and its legal interpretation; and his adjudicative skills.

Example #2 – Municipal Ombuds Services

Mr. McDermott is one of the senior investigators for ADRC's Municipal Ombuds Services. His involvement in our municipal Ombuds investigations demonstrates his impartiality, neutrality, and ability to maintain confidentiality in managing sensitive inquiries. In addition, his involvement demonstrates his expertise with investigative techniques and procedures and in the gathering of evidence and its legal interpretation.

Example #3 – ADR Chambers Banking Ombuds Office Investigations

Due to his involvement in the ADRBO, Mr. McDermott has extensive experience with conducting investigations and other similar sensitive inquiries, and he has extensive expertise with investigative techniques and procedures.

Example #4 – Workplace Investigations for Government Clients

Mr. McDermott has been retained by various provincial (Ontario) ministries and City of Toronto agencies to undertake workplace investigations and restoration projects, where conflicts between workplace parties have had deleterious impacts on the work units' abilities to function at optimum levels. While the details of such retainers are confidential, it has been necessary to: investigate all of the issues at play; interview various employees at all levels; attempt to mediate and resolve some or all of the issues; and ultimately prepare reports with appropriate recommendations to assist the parties in restoring healthy and vibrant workplaces. These investigations have required Mr. McDermott to remain impartial and neutral and to maintain confidentiality in managing sensitive inquiries. In addition, this work has allowed Mr. McDermott to grow his expertise with investigative techniques and procedures and in the gathering of evidence and its interpretation.

Example #5 – Lawyer in Private Practice

As a former practicing lawyer, Mr. McDermott has extensive expertise with investigatory procedures and applicable legal principles, particularly as they relate to evidence and legal interpretation. Mr. McDermott is also accustomed to maintaining confidentiality due to solicitor-client privilege.

Example #6 – Mediator and Arbitrator for Private Disputes

Mr. McDermott has proven impartiality and neutrality as he has over 35 years of mediation and arbitration experience. His work as a mediator requires him to maintain confidentiality, and his work as an arbitrator provides him with extensive adjudicative skills and experience.

In addition, Mr. McDermott is a member of the discipline hearings panel of the Investment Industry Regulatory Organization of Canada ("IIROC") with responsibility for adjudication on complaints filed against members of the investment industry.

2a. Qualifications and Experience – General Municipal Knowledge

Example #1 – Office of the Integrity Commissioner

Mr. McDermott has been involved in ADRC's OIC operations since 2011. He served as the Deputy Integrity Commissioner for the City of Brampton from 2012 to 2014. In this role, Mr. McDermott conducted investigations, reviewed investigation reports, and became familiar with the role of a municipal integrity commissioner, in addition to furthering his familiarity with the practices, procedures, methods and mandates found within a municipal government.

Example #2 – Municipal Law in Private Practice

Mr. McDermott represented several municipalities over the course of his legal career, including the City of Toronto for over 25 years; the Regional Municipality of Durham; and the Regional Municipality of York. While the details of such retainers are confidential, Mr. McDermott gained broad knowledge and experience related to municipal government, as well as practices, procedures, methods and mandates related to the municipal sector.

Example #3 – Municipal Ombuds Services

As a result of his extensive experience in municipal law, Mr. McDermott is one of the senior investigators for ADRC's Municipal Ombuds Services. Mr. McDermott provides assistance where required to junior investigators and those investigators who require his municipal law expertise.

Number of years as an Integrity Commissioner and the names of municipalities currently or previously served as Integrity Commissioner:

ADRC has been providing Integrity Commissioner Services for six years (since 2011), and Mr. McDermott has been involved in those operations from the beginning.

ADRC is currently the Integrity Commissioner for the City of Markham; the City of Kitchener; the City of Waterloo; and the Township of Woolwich.

ADRC is also the Municipal Ombudsman for the Regional Municipality of Halton, the City of Burlington, the Town of Milton, the Town of Oakville, the Regional Municipality of York, the Town of East Gwillimbury, the Township of King, the Regional Municipality of Durham, the Municipality of Clarington, the Town of Whitby, and the Township of Brock.

2b. Qualifications and Experience – Knowledge of Ontario Municipal Law

Example #1 – Office of the Integrity Commissioner

Mr. McDermott has provided confidential advice to Members of Council, he has conducted investigations and drafted reports, and he has reviewed the reports of other investigators. This work has necessarily assisted Mr. McDermott to learn about the role of a municipal integrity commissioner; practices, procedures, methods and mandates related to the municipal sector; and the role of municipal councillors. In his involvement in the OIC, Mr. McDermott has reviewed and applied several codes of conduct for Members of Council, and has regularly adhered to (and advised others on) procedural fairness.

Example #2 – Municipal Ombuds Services

As a result of his extensive knowledge of Ontario municipal law, Mr. McDermott is one of the senior investigators for ADRC's Municipal Ombuds Services. Mr. McDermott is familiar with and accustomed to interpreting and applying the provisions of various municipal statutes, regulations, policies and other enabling documents, as well as ensuring procedural fairness.

Example #3 – Lawyer in Private Practice

Over the course of his legal career, Mr. McDermott has represented several municipalities, including the City of Toronto for 25 years, the Regional Municipality of Durham, and the Regional Municipality of York. This has provided him with broad knowledge and experience related to municipal government, the role of municipal councillors, and the practices, procedures, methods and mandates related to the municipal sector.

3. Public Relations and Education

Mr. McDermott has had dealings with elected officials, the media, and the public in his previous role as Deputy Integrity Commissioner for the City of Brampton.

Mr. McDermott is accustomed to dealings with the public as a result of a long career as a practicing lawyer, including serving as the head of Osler LLP's Employment and Labour Department; as a mediator, arbitrator, and investigator; and as a volunteer member of the Executive Board of the Conference of Independent Schools, the President of the York Downs Golf & Country Club, and as the Chair of the Board of Directors of Holy Trinity School.

Mr. McDermott will be developing materials and providing education and training to Members of Council of the Township of Woolwich in person next month.



All of the foregoing is respectfully submitted this 17th day of April 2017.

A handwritten signature in blue ink, appearing to read 'J. Stitt', written over a horizontal line.

Allan Stitt, President, ADR Chambers
I have the authority to bind the Proponent



Schedule A: Form of Proposal (Appendix B)

APPENDIX B – FORM OF PROPOSAL

1. Proponent Information

Please fill out the following form, and name one person to be the contact for the RFP process and for any clarifications or communication that might be necessary.	
Full Legal Name of Proponent:	ADR Chambers Inc.
Any Other Relevant Name under Which the Proponent Carries on Business:	ADR Chambers, Stitt Feld Handy Group
Street Address:	180 Duncan Mill Road, 4th Floor
City, Province/State:	Toronto ON
Postal Code:	M3B 1Z6
Phone Number:	(416) 362-8555
Fax Number:	(416) 362-8825
Company Website (If Any):	www.adrchambers.com
Proponent Contact Person and Title:	Allan Stitt President
Proponent Contact Phone:	(416) 307-0002
Proponent Contact Facsimile:	(416) 307-0011
Proponent Contact E-mail:	allan@adr.ca

2. Offer

The proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required under the RFP. By submitting a proposal, the proponent agrees and consents to the terms, conditions and provisions of the RFP, including the Contract Terms and Conditions and offers to provide the Deliverables in accordance therewith at the rates set out in the Pricing Form (Appendix C).

3. Rates

The proponent has submitted its rates in accordance with the instructions in the RFP and in the Pricing Form set out in Appendix C.

4. No Prohibited Conduct

The proponent declares that it has not engaged in any conduct prohibited by this RFP

5. Conflict of Interest

The proponent has considered the definition of "Conflict of Interest" in Section 3.4 of the RFP and declares that there is no Conflict of Interest relating to the preparation of its proposal, and no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

6. Disclosure of Information

The proponent hereby agrees that any information provided in this proposal, even if it is identified as being supplied in confidence, may be disclosed where required by law or if required by order of

APPENDIX B – FORM OF TENDER

a court or tribunal. The proponent hereby consents to the disclosure, on a confidential basis, of this proposal by Niagara Region to Niagara Region's advisers retained for the purpose of evaluating or participating in the evaluation of this proposal.

7. Proposal Irrevocable

The proponent agrees that its Proposal shall be irrevocable for a period of **one hundred twenty (120) days** following the Submission Deadline.

8. Enter into Contract

The proponent agrees that in the event its proposal is selected by Niagara Region, in whole or in part, it will enter into the Contract based on the term and conditions set out in Appendix A to this RFP in accordance with the terms of this RFP.

9. Offer Applicable to Lower Tier Municipalities and/or Local Boards

The proponent offers the services at the same prices and under the same terms and conditions which the proponent is providing to the Region under this Agreement.

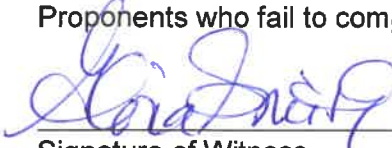
☒ **Yes** or **No** (please circle applicable answer)

10. Addenda

The proponent is deemed to have read and accepted all addenda issued by Niagara Region prior to the Deadline for Issuing Addenda. The onus remains on proponents to make any necessary amendments to their proposals based on the addenda. The proponent is requested to confirm that it has received all addenda by completing the statement below:

The proponent has received **addendum/addenda numbers** to , inclusive, and all changes specified therein have been included in the proponent's pricing.

Proponents who fail to complete this section will be deemed to have received all issued addenda.


Signature of Witness

 per Allan Stitt
Signature of Proponent Representative

Gloria Smith
Name of Witness

Allan Stitt
Name of Proponent Representative

President
Title of Proponent Representative

April 17, 2017
Date

I have the authority to bind the proponent

ORIGINAL SIGNATURES ONLY; NO ELECTRONIC



Schedule B: Biography of Edward T. McDermott

EDWARD T. (TED) McDERMOTT

Edward T. McDermott is a mediator, arbitrator and investigator with ADR Chambers.

Ted has over 35 years of negotiation, mediation and arbitration experience and has represented numerous clients before arbitrators, administrative tribunals and all levels of the courts in a variety of matters. He has particular expertise in all aspects of labour and employment law and has participated in approximately 2,000 cases involving wrongful dismissals, collective bargaining negotiations, human rights proceedings, employment law, labour relations, and workplace restoration issues.

He has conducted numerous investigations involving complaints by both customers and employees for major financial institutions and other private and public companies and he has been instrumental in helping to resolve a significant number of these disputes. Ted is a member of the discipline hearings panel of IIROC with responsibility for adjudication on complaints filed against members of the investment industry. He served as Deputy Integrity Commissioner as part of ADR Chambers' Office of the Integrity Commissioner for the City of Brampton, and is involved as an investigator and senior advisor for ADR Chambers' Municipal Ombuds Services and Office of the Integrity Commissioner.

Ted received his B.A. from the University of Toronto in 1964 and his LL.B. from Osgoode Hall in 1967. He was called to the Bar in 1969 and was then appointed to and served as law clerk to the Chief Justice of the High Court for the Supreme Court of Ontario, following which he commenced private practice as a partner with the firms of White, Bristol, Beck and subsequently Paulin, McDermott. He then joined Osler LLP where he was a senior partner and head of the firm's Employment and Labour Department. He has consistently been named as one of Canada's top 500 lawyers in *Lexpert/American Lawyer Media Guide to the Leading 500 Lawyers in Canada* and a leading labour lawyer in Canada in many other publications.

Ted was a past Chair of the Labour Section of the Canadian Bar Association, Ontario and National Branches. He has also served, on a volunteer basis, as the Chair of the Board of Directors of Holy Trinity School, a member of the Executive Board of the Conference of Independent Schools, and President of the York Downs Golf & Country Club.



**Schedule C: Biographies of Ben Drory,
Deborah Anschell, and Marshall Schnapp**

BEN DRORY

Ben Drory is a mediator, arbitrator, and investigator with ADR Chambers.

Ben mediates and arbitrates insurance, commercial, landlord/tenant, public policy and publishing disputes.

Ben earned J.D. and M.B.A. degrees from the University of Toronto, and was called to the Ontario Bar in 2004 after articling in corporate/commercial law. He is designated as a Qualified Mediator (Q.Med.) and as a Certified Coach Practitioner (C.C.P.). Ben developed and taught a full-term course (ADR 511) in accident benefits mediation and arbitration at Humber College.

Ben has worked as an investigator with the ADR Chambers Banking Ombuds Office and is the current Compliance Officer. He is also the Lead Investigator for the Office of the Integrity Commissioner for the City of Markham, and is an investigator for the Office of the Integrity Commissioner for the City of Kitchener, the City of Waterloo, and the Township of Woolwich, as well as the ADR Chambers Ombuds Office. Ben has also administered the ADR Chambers Investment Industry Regulatory Organization of Canada's (IIROC) arbitration program.

Ben writes regularly for the ADR Institute of Ontario, and is a mediation coach in the Humber College ADR program. He was also previously a Director of a Toronto-based legal aid clinic, and a member of the United Way of Greater Toronto's community-based panel analyzing member agency performance and funding.

Ben is actively involved in community matters, volunteering with local clinics to mediate disputes including families, neighbours.

DEBORAH ANSHELL

Deborah Anshell is a mediator, arbitrator, and investigator with ADR Chambers. She serves as an investigator with the ADR Chambers Banking Ombuds Office, the ADR Chambers Ombuds Office, and with the ADR Chambers Office of the Integrity Commissioner.

Deborah is a member of the Law Societies of Upper Canada, Alberta and British Columbia. Deborah earned her LL.M. in ADR at Osgoode Hall Law School in 1998 and her LL.B. at the University of Toronto in 1982. Deborah has mediation experience in insurance (disability, life, subrogation, occupiers' liability, fidelity bonds, motor vehicle, property and casualty, professional negligence), real estate, employment, health law, and corporate/commercial matters. She also has 20 years of litigation experience, both in private practice and as corporate counsel.

Originally from Alberta, Deborah was a litigation lawyer in private practice in Calgary and Toronto. From 1989 through 2002, Deborah practiced as a litigator with Confederation Life Insurance Company and Manulife Financial.

From 2002 until 2006, Deborah practiced mediation and facilitated the settlement of hundreds of complex civil cases in a variety of subject matters. Deborah was a Roster Mediator for the Ontario Mandatory Mediation Program from its inception. Between 2006 and 2008, Deborah was Claims Counsel at the Lawyers' Professional Indemnity Company, handling errors and omissions claims against lawyers.

Deborah was the 2007-2008 Chair of the ADR Section of the Ontario Bar Association, Vice-Chair of the ADR Section for the 2006-2007 term, and Newsletter Editor for the ADR Section from 2002-2005. Deborah was also on the executive of the Corporate Counsel Section of the OBA for many years. In 2007, she was on the organizing committee of the Roger Fisher Tribute. She is presently a member of the Continuing Legal Education Committee of the OBA. Deborah was a contributing editor, Carswell's Practice Cases from 1991-1996. Deborah is a member of The Advocates' Society, the Canadian Bar Association, and the Toronto Lawyers' Association. She is a frequent speaker and writer on mediation and litigation for the Canadian Institute and the Ontario Bar Association.

MARSHALL SCHNAPP

Marshall Schnapp is an arbitrator, mediator, and investigator with ADR Chambers. He formerly served as an investigator with the ADR Chambers Banking Ombuds Office and as an investigator for ADR Chambers' provision of Municipal Ombudsman Services through the ADR Chambers Ombuds Office, before assuming the role of Ombudsman. Marshall is also an investigator for the ADR Chambers Office of the Integrity Commissioner. In addition, he formerly served as an investigator for the College of Nurses of Ontario, and he practiced law in a litigation firm for several years.

Prior to joining ADR Chambers, Marshall established a conflict management practice, which offered the following services: investigation, mediation, training, coaching, facilitation, workplace restoration and conflict management system design. He has a wide range of work experience in many sectors including: not-for-profit, law, recruitment, technology, insurance, healthcare and regulated health professions. Marshall's experience covers both non-union and unionized organizations.

Marshall has completed wide ranging studies and skills development courses relating to Alternative Dispute Resolution (ADR), including his law degree and Master of Laws in Alternative Dispute Resolution (ADR) at Osgoode Hall Law School.

He has also participated in several intensive ADR skills courses and workshops, such as the Negotiation Teaching Workshop at the Dispute Resolution Research Center at the Kellogg School of Management and the Program on Negotiation at Harvard Law School and received training by the International Ombudsman Association. As well he recently completed a Human Rights training program at Osgoode Hall Law School. He also has a Certificate in Adjudication for Administrative Agencies, Boards & Tribunals, Society of Ontario.

Over the past 15 years, Marshall has practiced as an arbitrator, mediator, investigator, and litigator. He is a member of the Law Society of Upper Canada, the ADR Institute of Ontario and the International Association for Conflict Management.