



## **Municipality of South Bruce**

### **Request for Proposal**

### **Provision of Municipal Legal Services**

Five (5) Year Term

Closing Date: Monday November 1, 2021 at 12 Noon

Contact: Leanne Martin, CAO/Clerk  
21 Gordon Street,  
Teeswater, ON N0G 2S0

Telephone: 519-392-6623

Email: [lmartin@southbruce.ca](mailto:lmartin@southbruce.ca)

## **1. OVERVIEW OF THE PROCESS:**

The Municipality has determined that it wishes to seek a Request for Proposal for Legal Services. The municipality will receive sealed proposals for legal services consistent with the outline and request for information contained herein.

## **2. PROVISION OF MUNICIPAL LEGAL SERVICES**

### **2.0 General Scope of Work**

The Municipality of South Bruce, hereinafter referred to as the Municipality, is seeking legal services on an as-needed basis in the fields of law described in Section 2.2 below.

### **2.1 Term of Agreement**

The term of the agreement will be five (5) years. At Council's discretion, the agreement may be extended for one (1) additional five (5) year term.

The agreement may be terminated by either party upon ninety (90) days written notice.

### **2.2 Practice Areas (Fields of Law)**

The Municipality will enter into an agreement with a firm qualified to provide representation and legal advice in the following areas:

- General Municipal Law
- Municipal Finance, Tax and Assessment
- Environmental Law
- Real Estate Law
- Construction Law
- Land Use Planning
- Litigation
- Human Resources/Labour Relations

Chosen legal counsel will be required to work with Municipal staff and, in some instances, may assume carriage of files independently and/or with minimal supervision from staff depending on the nature of the work required as determined by the Municipality. Legal services are to be provided economically, effectively and efficiently.

A general description of the Municipality's anticipated needs in each of the practice areas is provided below. Please note that these are general descriptions only and the chosen proponent may be required to provide additional services in the practice areas as needed.

### 2.2.1 General Municipal Law

Provide opinions on the Municipal Act and other applicable legislation, procedural and governance matters, privacy legislation, municipal by-law enforcement and other issues arising from the general operations of the Municipality. Work may also include attending Council or staff meetings to provide opinions and make presentations on legal issues as may be necessary from time to time.

### 2.2.2 Municipal Finance, Tax and Assessment

Provide opinions on matters related to municipal finance, tax and assessment issues and representing the Municipality in assessment hearings and tax appeals before the Assessment Review Board, the Ontario Superior Court of Justice and/or higher courts as required.

### 2.2.3 Environmental Law

Provide advice and representation on matters in relation to environmental protection and applicable legislation that impacts the Municipality. The work required may include providing opinions on environmental issues and updates, drafting agreements and other documentation and representation before administrative tribunals on environmental matters as required.

### 2.2.4 Real Estate Law

Draft, negotiate and close agreements with respect to the acquisition and disposition of Municipal real property, drafting and negotiating leases and rental agreements, licensing agreements, easements, maintenance and operational agreements and any other transactions relating to Municipal real property.

### 2.2.5 Construction Law

Provide advice and representation on all aspects of construction law including bidding, tendering, negotiating and drafting contracts, contract disputes, construction lien matters and interpretation of the Ontario Building Code.

### 2.2.6 Land Use Planning

Provide advice and representation on municipal planning and development including drafting and negotiating site plan control, subdivision, development and other agreements, representing the Municipality before the Local Planning Appeal Tribunal and interpreting the Planning Act and other Municipal planning documents.

#### 2.2.7 Litigation

Provide advice and representation on all matters requiring litigation including but not limited to civil and commercial actions and real property disputes.

#### 2.2.8 Human Resources/Labour Relations

Provide advice and representation on labour and employment matters including employment standards, human rights, termination proceedings, occupational health and safety and Workplace Safety and Insurance matters.

### 2.3 Designated Counsel

The proponent shall designate one (1) lawyer to be the Designated Counsel to handle all matters and requests made by the Municipality for each practice area. If a team of legal counsel is proposed to handle requests of the Municipality in a practice area, the Designated Counsel shall be the main contact and may delegate the work requested to the appropriate legal counsel within the team.

### 2.4 Use of Sub-Contractors

A list of sub-contractors or other firms that may be used in conducting the proposed services for the municipality. Such list shall include the name of all principals.

### 2.5 Expected Turn-around Time/Availability

The Municipality requires that simple and/or routine matters be dealt with over the telephone within twenty-four (24) hours. It is expected that more complicated/complex matters should be addressed within forty-eight (48) hours. Alternative timeframe details shall be provided in writing with this Request for Proposal submission.

### 2.6 Electronic Services

Email will be used extensively for the review of documents and transmission of information. Please ensure that appropriate technology is in place to meet this requirement.

## 3. SPECIAL INSTRUCTIONS FOR BIDDING/SUBMITTING RFP

### 3.1 Contact for Inquiries

The Municipality has endeavored to provide complete, correct information to enable proponents to properly assess and determine the scope and complexity of the work required prior to submitting proposals.

Proponents are solely responsible for determining if they need more information or if any aspect of the RFP appears to be incorrect or incomplete and for contacting the person named in this RFP if they have any questions whatsoever prior to the closing date.

Information obtained from any source other than the individual indicated below is not official and may be inaccurate. The Municipality will not be responsible for any verbal statement, instruction or representation.

Questions regarding this for RFP should be directed to:

Leanne Martin  
CAO/Clerk  
Municipality of South Bruce  
21 Gordon Street, Teeswater, ON N0G 2S0  
519-392-6623      email: [lmartin@southbruce.ca](mailto:lmartin@southbruce.ca)

Question via email is the preferred method of contact. All questions and answers will then be distributed to all respondents.

### **3.2 RFP Document**

The Request for Proposal (RFP) document consists of a Form of Offer (Schedule A), Declaration (Schedule B), various instructions, terms and specifications. This package, taken together is referred to as the Request for Proposal (RFP). Proponents are advised to review the complete RFP document as these reflect important considerations that apply to this RFP.

### **3.3 Errors and/or Omissions**

The Municipality will not be held liable for any errors and/or omissions in any part of this RFP. While the Municipality has expended considerable effort to ensure an accurate representation of information in this RFP, the information contained in the RFP is supplied solely as a guideline for proponents. The information is not guaranteed or warranted to be accurate by the Municipality nor is it necessarily comprehensive or exhaustive. Nothing in the RFP is intended to relieve the proponents from forming their own opinions and conclusions with respect to the matters addressed in the RFP.

### **Proposals shall contain the following information:**

3.4 The Proponent's name, address, telephone, email and fax number.

3.5 A general description of the individual's or law firm's practice including specific details on experience and expertise to provide legal services for all practice areas as well as a general description of experience working with small rural communities issues.

- 3.6 The name and title of the Designated Counsel and any other legal counsel proposed in a counsel team, if applicable, including the year of call, relevant experience in the practice area (including description of the nature and extent of the experience), and a curriculum vitae for each counsel proposed.
- 3.7 Confirmation of LawPro and any other errors and omissions insurance coverage maintained by each legal counsel intending to provide legal services.
- 3.8 A work plan setting out how the proponent would ensure that the work will be assigned and performed by the appropriate level of counsel (indicating the work that may be assigned to articling students and law clerks, if applicable) with a view to ensure quality of advice, cost effectiveness and avoidance of duplication of work.
- 3.9 A description of available support staff and resources.
- 3.10 Financial Proposal - A schedule of hourly rates for each counsel on the counsel team together with fees for standard disbursements such as document registration, photocopying, mileage, telephone. Please include a description of the firm's method of accounting for time and expenses as well as a sample of the detailed monthly billing documentation. The proponent acknowledges and agrees that all quoted rates are guaranteed rates for the duration of the contract.
- 3.11 The proponent will be solely responsible for any and all payments and/or deductions required, including those required for Canada Pension Plans, Employment Insurance, Workplace Safety and Insurance Board and Income Tax.
- 3.12 Documentation of the proponent's comprehensive knowledge of local government operations, procedures and law including the proponent's experience as a solicitor for a municipal corporation.
- 3.13 RFP documents (including all attachments and appendices) may not be used for any purpose other than the submission of a proposal. By submitting a proposal, the Proponent agrees to public disclosure of its contents subject to the provisions relating to the Municipal Freedom of Information and Protection of Privacy Act. Anything in the submission that the Proponent considers to be "personal information" or "confidential information" of a proprietary nature should be marked confidential and will be subject to appropriate consideration of the Municipal Freedom of Information and Privacy Act as noted above.

#### **4. FORM OF OFFER**

The Request for Proposal submission shall include:

- 4.1 Form of Offer (attached hereto as Schedule A)
- 4.2 Conflict of Interest Declaration (attached hereto as Schedule B)
- 4.3 Further details that may demonstrate the excellence of their proposals
- 4.4 Any additional information or innovative approaches not specifically outlined in the context of this RFP
- 4.5 Proponents shall adhere to the RFP rules and format. Failure to comply with this requirement may, solely at the Municipality's discretion, result in the proponent's proposal being disqualified from further consideration.
- 4.6 One (1) original and two (2) copies of the completed document
- 4.7 Additional services and considerations not included in this RFP, but which are identified and deemed necessary by the proponent to complete the work in an appropriate fashion, must be communicated to the Municipality along with a description of the service(s)/consideration(s) as part of this RFP.
- 4.8 The proponent shall describe in the proposal their process of identifying, disclosing, reporting and dealing with conflicts of interests should they arise in the future.

#### **5. REFERENCES**

References or any other type of information that will assist the Municipality in selecting the preferred firm may be obtained. The Municipality reserves the right to consider any or all information received from all available sources, whether internally or externally obtained. The Municipality may reject proposals from further consideration based on results of reference checks and disclosure of the results of said reference check will not occur.

5.1 The proponent's submission must consist of a minimum of two (2) references from the Municipal Government sector. Each reference shall include the identity of the client organization, contact name, mailing address, email address and telephone number and a brief description of the work that the Designated Counsel and/or other legal counsel in the proposed counsel team have done. The Municipality may contact any or all of the references provided in its evaluation of the proponent's RFP.

## **6. SELECTION**

- 6.1 Selection of the successful proponent(s), if any, is at the sole and unfettered discretion of the municipality.
- 6.2 The Municipality reserves the right to accept or reject any and or all proposals.
- 6.3 The Municipality reserves the right to request clarification of the information submitted and to request addition information of one or more applicants.
- 6.3 The Municipality reserves the right to negotiate the terms and scope of legal services in the best interest of its needs. It is conceivable that one attorney or legal firm could be selected for general legal services and a different attorney or firm could be selected for a specific service, such as labor and/or prosecution services.

## **7. EVALUATION CRITERIA**

Submittals will be evaluated based on the following criteria:

- Qualifications and experience of the attorney and/or firm in working with municipal government.
- Experience and availability of staff assigned to serve the municipality
- Scope and cost of services
- References
- In person or virtual interview with principal attorney(s) as deemed necessary.
- A determination that the proposer has submitted a complete and responsive proposal as requested by this RFP.

The municipality reserves the right to request clarification of the information submitted and to request additional information of one or more proposals. Such clarification shall be deemed an amendment to such proponent's proposal.

Thank you for responding to our request to provide legal services for the  
Municipality of South Bruce.



Schedule A  
RFP– Form of Offer  
Request for Proposal for Municipal Legal Services - Five (5) Year Term  
Closing Date: Monday November 1, 2021 @ 12 Noon

To receive consideration, all submissions must be date and time stamped in the Clerk's Office prior to the above-noted closing date and time. Please submit your response in accordance with this RFP and clearly labelled as follows:

PROPOSAL FOR MUNICIPAL LEGAL SERVICES – DO NOT OPEN

CAO/CLERK Municipality of South Bruce  
21 Gordon Street  
Teeswater, ON N0G 2S0

This proposal is submitted by:

Full legal Name of Firm \_\_\_\_\_

Name of Contact \_\_\_\_\_

Address \_\_\_\_\_

Municipality \_\_\_\_\_

Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Email Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

By my signature hereunder, it shall be understood that I have read, understood and agree to abide by the instructions, terms, conditions and specifications contained in this Request for Proposal document.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Schedule B  
Declaration

To the Mayor and Council of The Corporation of the Municipality of South Bruce, I

\_\_\_\_\_  
(Declarant's Name)

of the \_\_\_\_\_ of \_\_\_\_\_  
(Municipality)

in the \_\_\_\_\_ of \_\_\_\_\_  
(County/Region)

make the following declaration on behalf of

\_\_\_\_\_  
(Firm Name)  
(hereinafter referred to as the Proponent)

I have authority to make this declaration on behalf of and to bind the Proponent to its contents. I declare:

1. THAT no person, firm or corporation other than the one that is submitting this proposal has any interest in the proposal or in the agreement offered thereby.
2. THAT I have adequate and sufficient authority to bind the person, firm or corporation that is submitting the proposal.
3. THAT this proposal is made without any connection, knowledge, comparison of figures and/or arrangement with any other company, firm or person making a proposal for the same work and is in all respects fair and without collusion and/or fraud.
4. THAT no member of the Council and/or any officer of the Municipality is, or will become interested directly or indirectly as a contracting party of otherwise in or in the performance of the agreement, or in the supply, work and/or business to which it relates or in any portion of the profits thereof, or of any such supplies to be used therein or any of the monies to be derived therefrom.
5. THAT the matters stated in the said proposal are, in all respects, true.
6. And agree that this proposal is to continue open for acceptance until a formal agreement is executed by the successful proponent or for sixty (60) days following the proposal closing date, whichever occurs first and that the Municipality may, at any time within that period, without notice, accept this proposal whether any other proposal has been previously accepted or not.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date