

COMMITTEE OF THE WHOLE – MARCH 25, 2008

REQUEST FOR PROPOSALS – LEGAL SERVICES

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, recommends:

That staff be directed to solicit proposals for the provision of legal services in accordance with the Terms of Reference outlined herein.

Economic Impact

There is a potential for cost savings where services are sought in accordance with a Request for Proposals.

Communications Plan

A request for proposals for the provisions of legal services would be posted on at least two websites including Bid Navigator, and also in various legal publications.

Purpose

The purpose of this report is to initiate a Request for Proposals through the City's procurement process, for the provision of legal services in certain areas of practice.

Background - Analysis and Options

The City of Vaughan's Legal Services Department is comprised of a team of lawyers with expertise in a wide variety of areas, including municipal law, litigation, real estate, construction law, and labour and employment law. The Legal Services Department, under the direction of the City Solicitor, advises and represents internal departments on all aspects of The City of Vaughan's mandate, including these areas of law.

The City of Vaughan utilizes external legal counsel to advise on municipal law issues, employment and labour law issues, and issues in other areas of law, due to the need for particular expertise or occasionally due to resource constraints (hereinafter "the required legal services").

An RFP would create a "roster" of qualified legal counsel for the provision of the required legal services in certain practice areas, on an as-needed basis ("Counsel List"). Based on the City's needs, a Counsel List could be created for the following practice areas:

- i) general municipal law;
- ii) municipal finance, tax and assessment;
- iii) planning law;
- iv) general civil litigation;
- v) environmental law;
- vi) information and technology law;
- vii) labour and employment law; and
- viii) expropriations.

The proposed RFP would provide that individuals and law firms could submit proposals to provide legal services in any or all of the various practice areas listed above. Responses to the Request for Proposals would be evaluated by an evaluation team based on criteria established in the RFP, including years and nature of experience, service capabilities, references and billing proposals.

Proponents may also be asked to make oral presentations where necessary. Depending on the results of the evaluation, proponents may be listed in more than one practice area.

The creation of a Counsel List does not guarantee any work to the law firms listed. Lawyers are retained on an as-needed basis, but the fees to be charged are pre-determined based on the proposal submitted, valid for a set term.

On completion of the evaluation process, as described in the RFP, a Recommendation Report will be prepared and submitted to the City's Council for consideration. Upon receipt of Council approval and the execution of the Terms of Engagement, it is anticipated that the successful Proponents as approved by Council will commence the provision of services.

Various municipalities have issued RFP's for legal services, including the City of Mississauga, York Region and the Town of Halton, and it has proven to be a valuable tool for selecting external counsel and managing legal costs.

It is anticipated that the Terms of Engagement for selected counsel would commence September 1, 2008 and end on August 31, 2010.

Relationship to Vaughan Vision 2007

This initiative supports efforts to ensure the most cost effective procurement of quality external legal services.

Regional Implications

Not Applicable.

Conclusion

An RFP for external legal services will establish a roster of qualified law firms and will ensure external legal services will continue to be delivered in a cost-effective manner.

Attachments

None

Report prepared by:

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Respectfully submitted,

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Commissioner of Legal and Administrative Services
and City Solicitor