

COMMITTEE OF THE WHOLE – FEBRUARY 28, 2012

REQUEST FOR PROPOSALS – LEGAL SERVICES

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Legal Services, in consultation with the Director of Purchasing Services, recommend:

1. That the Counsel List shown on Attachment 1 of this report be approved; and,
2. That the City Solicitor be authorized to execute Retainer Agreements and related documents necessary to implement agreements as indicated herein.

Contribution to Sustainability

Not applicable.

Economic Impact

The City will achieve cost savings for external legal services as a result of the discounted rates proposed by law firms selected through the RFP process.

Communications Plan

All proponents will be notified of the City's acceptance or non-acceptance of their respective Proposals through the Purchasing Services Department, in accordance with standard procedure.

Purpose

The purpose of this report is to update Council about the outcome of the Request for Proposal process for the provision of legal services in certain areas of practice, and to seek authorization for the execution of retainer agreements where applicable.

Background - Analysis and Options

Background:

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 Council and City departments, as well as the Vaughan Public Libraries, on all aspects of the City of Vaughan's mandate, including these areas of law.

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

In 2008, legal staff issued a Request for Proposals ("RFP08-240") inviting law firms to submit proposals for the provision of a range of legal services in accordance with Terms of Reference approved by Council. RFP08-240 sought proposals in respect of 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 law.

On April 14, 2009, Council approved a Council List for each of the nine practice areas listed above, and authorized the City Solicitor to execute related Retainer Agreements. All of the law firms selected for the Council List (2009) proposed discounted rates, volume discounts and/or complementary training, and the City has enjoyed cost savings for the legal work performed. The City's in-house legal staff and staff from the Human Resources Department, have also been able to attend free education and training seminars provided by the firms.

RFP11-420:

In October, 2011, legal staff issued a further Request for Proposals ("RFP11-420") inviting law firms to submit proposals for the provision of required legal services, in the same nine practice areas listed above.

RFP11-420 was advertised on the OPBA and Biddingo websites and in the Ontario Reports, and had a closing date of November 21, 2011. Seventy-two (72) Proponents picked up the RFP documents from the Purchasing Services Department. One addendum was issued on November 11, 2011 to clarify queries and questions. Forty-five (45) law firms responded to the RFP in respect of one or more of the practice areas indicated.

Responses to RFP11-420 were evaluated by an evaluation team based on criteria established in the RFP document. Each practice area was separately evaluated. In total, 100 points were available, as follows:

Technical and Management Evaluation

(80 points)

- Qualifications and Experience (65 points)
 - > The Proponent firm has extensive experience in the portfolios of required legal work. (Years of practise, nature of matters, success rates).
 - > The proposed team from the Proponent firm has a sufficient number of associates and paralegal and other resources.
 - > The proposed team has provided the Curriculum Vitae's and references that are required by the RFP, and these are assessed in determining the appropriate score under this section.
- Case and Workflow Management (5 points)
 - > Description of systems and protocols to manage timeliness of service and communication with City staff.
 - > Description of systems to oversee and coordinate workflow, including appropriate delegation to and supervision of associates and paralegals and suggested "managing partner" (if applicable).
 - > Description of methodology of case and workflow management.
- Quality Assurance and Client Service Programs (5 points)
 - > Description of conflict of interest protocols and identification of known or potential conflicts of interest.
 - > Description of systems or protocols for managing quality assurance and client satisfaction, confidentiality of information and technological systems.
- Suggestions for enhancing the working relationship with The City of Vaughan (5 points)

Financial Evaluation

(20 points)

The lowest priced or most cost-effective financial proposal was awarded 10 points and other financial proposals were scored proportionately comparing it to the lowest priced proposal. An additional 10 points was available for allocation, awarded based on innovative and/or value-added billing proposals.

Only those Proponents meeting all of the mandatory requirements of the RFP document, and obtaining a minimum threshold score of 60 points of the available 80 allocated to the Technical and Management Section, were considered for the second stage of the evaluation.

As indicated in the RFP document, no more than five law firms could be selected to be part of the "roster" of qualified legal counsel for each practice area, on an as-needed basis ("Counsel List"). In respect of certain practice groups, more than five law firms met the threshold requirements of the first stage of the evaluation. For those categories, the five highest scoring firms were considered for the Counsel List.

Selection for the Counsel List does not guarantee any work to the law firms listed. Firms will be retained on an as-needed basis, but the fees to be charged will be based on the proposal submitted, valid for the agreed-upon term (two years). The RFP document also provides for a renewal period of up to two years, at the sole option of the City.

All of the highest-scoring firms proposed some or all of the following: discounted rates, complimentary education or training, establishment of extranet services, flat fees and/or 2-year fee guarantees and volume discounts.

Accordingly, it is anticipated that the City will experience cost savings for external legal services over the next two year (or longer) period, as well as savings resulting from complimentary education and training.

Attached as Attachment 1 is a list of the successful proponents in each practice area. Subject to Council direction, these firms will be invited to enter into Retainer Agreements with the City for a set term, based on the City's Terms of Reference, and the Proponent's respective Proposal documents.

Relationship to Vaughan Vision 2020

This report seeks to ensure the most cost effective procurement of quality external legal services, in support of the City's strategic objective of pursuing excellence in service delivery, as well as in support of strategic initiatives to enhance productivity, cost effectiveness and innovation, and to ensure financial stability.

Regional Implications

Not Applicable.

Conclusion

A roster of qualified law firms will be created for each of the nine practice areas listed above, and Retainer Agreements will be entered into with successful proponents, ensuring that legal services will continue to be delivered in a cost-effective and efficient manner.

Attachments

Attachment 1: List of Successful Proponents for the Provision of Legal Services

Report prepared by:

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Respectfully submitted,

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Director of Legal Services

Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services
and City Solicitor

ATTACHMENT 1:
List of Successful Proponents for the Provision of Legal Services

1. General Municipal Law

Aird & Berlis LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Cunningham, Swan, Carty, Little & Bonham LLP	Kingston
Loopstra, Nixon LLP	North Toronto
Weir Foulds LLP	Toronto

2. Municipal Finance, Tax and Assessment

Aird & Berlis LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Conway Davis Gryski LLP	Toronto
Stikeman Elliott LLP	Toronto
Weir Foulds LLP	Toronto

3. Planning Law

Aird & Berlis LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Loopstra, Nixon LLP	North Toronto
Townsend & Associates	Oakville
Weir Foulds LLP	Toronto

4. General Civil Litigation

Aird & Berlis LLP	Toronto
Blaney McMurtry LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Reuter Scargall Bennett LLP	Toronto
Weir Foulds LLP	Toronto

5. Environmental Law

Blaney McMurtry LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Macleod Dixon LLP	Toronto
Weir Foulds LLP	Toronto
Willms & Shier LLP	Toronto

6. Information Technology (“IT”) Law

Aird & Berlis LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Fasken Martineau LLP	Toronto
Miller Thomson LLP	Toronto
Weir Foulds LLP	Toronto

7. Labour and Employment Law

Edmond Harnden LLP	Toronto
Filion Wakely Thorup Angeletti LLP	Toronto
Hicks Morley LLP	Toronto
Sherrard Kuzz LLP	Toronto

8. Expropriations

Aird & Berlis LLP	Toronto
Blaney McMurtry LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Reuter Scargall Bennett LLP	Toronto
Weir Foulds LLP	Toronto

9. Construction Law

Borden Ladner Gervais LLP	Toronto
Fasken Martineau LLP	Toronto
Miller Thomson LLP	Toronto
Stikeman Elliott LLP	Toronto
Weir Foulds LLP	Toronto