

## **COMMITTEE OF THE WHOLE – MARCH 31, 2009**

### **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.

#### **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, Council approved staff's recommendation to solicit proposals for the provision of legal services in accordance with Terms of Reference outlined. Pursuant to Council direction, staff issued a Request for Proposals ("RFP") inviting law firms to submit proposals for the provision of a range of legal services, as follows:

- 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.

The RFP (RFP08-240) was advertised in Vaughan Today (City Page), the ETN and OPBA websites and in the Ontario Reports, and had a closing date of September 29, 2008. Sixty six (66) proponents picked up the RFP documents from the Purchasing Services Department. One addendum was issued on September 18, 2008 to clarify queries and questions. Thirty-two (32) law firms responded to the RFP in respect of one or more of the practice areas indicated.

Evaluation:

Responses to the RFP 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 one year renewal period, at the 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 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 2007**

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

#### **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:**

Nancy Salerno  
Solicitor

Respectfully submitted,

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**Heather A. Wilson**  
**Director of Legal Services**

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**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**

Borden Ladner Gervais LLP	Toronto
Weir Foulds LLP	Toronto
Aird & Berlis LLP	Toronto
Robert J. Swayze	Caledon
Loopstra, Nixon LLP	North Toronto

**2. Municipal Finance, Tax and Assessment**

Borden Ladner Gervais LLP	Toronto
Aird & Berlis LLP	Toronto
Conway Davis Gryski, LLP	Toronto
Lawrence, Lawrence, Stevenson LLP	Brampton
Robert J. Swayze	Caledon

**3. Planning Law**

Borden Ladner Gervais LLP	Toronto
Weir Foulds LLP	Toronto
Aird & Berlis LLP	Toronto
Loopstra, Nixon LLP	North Toronto
Robert J. Swayze	Caledon

**4. General Civil Litigation**

Weir Foulds LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Loopstra, Nixon LLP	North Toronto
Aird & Berlis LLP	Toronto
Stevensons LLP	Toronto & Vaughan

**5. Environmental Law**

Borden Ladner Gervais LLP	Toronto
MacLeod Dixon LLP	Toronto
Willms & Shier LLP	Toronto
Weir Foulds LLP	Toronto
Aird & Berlis LLP	Toronto

## **6. Information Technology (“IT”) Law**

Borden Ladner Gervais LLP	Toronto
MacLeod Dixon LLP	Toronto
Pan and Ceballos LLP	Vaughan
Weir Foulds LLP	Toronto
Aird & Berlis LLP	Toronto

## **7. Labour and Employment Law**

Hicks Morley LLP	Toronto
Filion Wakely Thorup Angeletti LLP	Toronto & London
Stringer Brisbin Humphrey	Toronto & Barrie

## **8. Expropriations**

Borden Ladner Gervais LLP	Toronto
Weir Foulds LLP	Toronto
Reuter Scargall Bennett LLP	Toronto
O’Connor MacLeod Hanna LLP	Oakville
Burgar Rowe Professional Corporation	Toronto

## **9. Construction Law**

Weir Foulds LLP	Toronto
Borden Ladner Gervais LLP	Toronto
Aird & Berlis LLP	Toronto
Stevensons LLP	Toronto & Vaughan
Loopstra, Nixon LLP	North Toronto